

# **CAMPBELL COUNTY CODE OF 1988**

## **CHAPTER 21**

### **SUBDIVISION OF LAND**

For state law as to duty of County to adopt this chapter, see VA. CODE ANN. §15.2-2240 (Repl. Vol. 2012).

As to planning commission, see §§2-5 to 2-9 of this Code. As to buildings generally, see Ch. 5. As to erosion and sedimentation control, see Ch. 8. As to utilities generally, see Chapter 18 of this Code.

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## **Article I. General Considerations.**

### **Sec. 21-1. Purpose and intent.**

The purpose of this chapter is to establish certain guidelines and procedures for the regulation of subdivision of lands within the County. It is the intention of the Board of Supervisors in adopting this ordinance to strike a balance between the individual property rights of citizens of Campbell County and the health, safety and general welfare of the County's citizens as promoted by reasonable restrictions on those property rights.

This chapter is known and may be cited as the "Subdivision Ordinance of Campbell County, Virginia."

For state law mandating subdivision regulations, see VA. CODE ANN. §15.2-2240 (Repl. Vol. 2012).

Editor's note.--Chapter 587 of the 1997 Virginia Acts of Assembly repealed Title 15.1 of the Code of Virginia and enacted new Title 15.2 thereof, effective December 1, 1997.

### **Sec. 21-2. Definitions.**

The following terms, when used in this chapter, shall have the meaning ascribed to them below, unless the context requires a different meaning:

**Agent.** That individual appointed by §21-4 hereof.

**Collector Street.** Any street through any portion of a multi-family dwelling development serving more than 25 dwelling units that provides access to a street within the secondary system of state highways or any street through any portion of a multi-family dwelling development connecting two (2) or more existing streets within the primary system of state highways or the secondary system of state highways. Public dedication is not required for these streets; however, any such street must be clearly marked 'RESERVED' on the subdivision plat.

**Commercial Subdivision.** The subdivision of land within a B-GC, B-HC, or I-G Zone as defined in the Campbell County Zoning Ordinance, for non-residential purposes.

**Common Area.** Any area within a multi-family dwelling development designated for common use which includes such uses as parking, walkways, streets not dedicated to Campbell County or the Virginia Department of Transportation, recreation facilities, picnic areas, refuse collection, public utility easements, and similar activities.

**Common Area Right-of-Way.** Any Collector or Connector Street within a multi-family dwelling development. Collector Streets common area rights-of-way shall be at least fifty (50) feet in width; Connector Streets common area rights-of-way shall be at least thirty (30) feet in width. All roads constructed within a common area right-of-way shall be built according to the current Virginia Department of Transportation "Subdivision Street Requirements" with respect to pavement width and pavement design. An apartment complex of eight (8) or fewer dwelling units shall be

exempt from the common area right-of-way width and road construction requirements of this section.

**Connector Street.** Any street in a multi-family dwelling development serving 25 or fewer dwelling units that provides access to a Collector Street in the development or provides access to an existing street within the primary system of state highways or the secondary system of state highways. Public dedication is not required for these streets; however, any such streets must be clearly marked 'RESERVED' on the subdivision plat.

**Dam break inundation zone.** The area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam, to be mapped according to VA. CODE ANN. §10.1-606.2 (Repl. Vol. 2012).

**Dwelling Unit.** One (1) or more rooms in a residential building or structure or in a mixed building which are arranged, designed, used or intended for use by one (1) family, and which include a single lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

**Flag lot.** A lot or parcel of land which, due to topographic features or other unique physical characteristics, utilizes an elongated strip of land to provide access to a street within the secondary system of state highways or a street providing access to said system of highways. The lot or parcel shall be considered a flag lot if the elongated strip of land providing access to the street narrows to a width less than the required width at the front lot line regardless of the amount of road frontage of the lot.

**Governing Body.** The Board of Supervisors of Campbell County as the same may be from time to time constituted.

**Industrial Subdivision.** The subdivision of land within an I-G or I-H zoning district as defined in the Campbell County Zoning Ordinance, for non-residential purposes.

**Land surveyor.** A person who, by reason of his knowledge of the several sciences and the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying and whose competence has been attested by the State Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a land surveyor.

**Lot or parcel.** A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term applies to units of land whether in subdivision or a development.

**Multi-Family Dwelling.** A building designed for or occupied exclusively by two (2) or more families living independently of each other in two or more dwelling units; the term includes condominiums of similar physical appearance, character and structure.

**Owner or Proprietor.** Any natural person, partnership, corporation, trust or other entity of any kind or nature having any interest of any kind or nature in real property.

**Person.** Any owner or proprietor as hereinabove defined.

**Planning Commission.** The Planning Commission of Campbell County, Virginia as the same may be from time to time constituted.

**Plat or plat of subdivision.** A schematic representation, prepared by a licensed professional engineer or land surveyor, of the current size and shape of property, showing the location and boundaries of individual parcels of land subdivided or to be subdivided into lots, with streets, alleys, easements, etc., drawn to scale and comporting with the requirements of Article V of this chapter.

**Plat, final.** The plat of a proposed subdivision of land that has been preliminarily approved and signed by the Planning Commission or Agent as a preliminary plat.

**Plat, preliminary.** A survey drawing of a proposed subdivision submitted for the purpose of obtaining provisional approval prior to the submission of a final plat; a preliminary plat should comport, as nearly as is practicable, with the requirements of Article V of this Chapter.

**Plat, record.** The plat of a subdivision of land which meets all the requirements of this Chapter and the Zoning Ordinance, as well as state laws, that has been approved and signed by the Planning Commission or Agent, and subsequently recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia.

**Plat, resubdivision.** A recorded change in a record plat which involves property line alterations. Resubdivisions may include, but are not limited to, combining lots, dividing a lot between adjacent lots and alterations of lot lines.

**Professional engineer.** A person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the State Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

**Resubdivision.** Any adjustment or vacation of a boundary line or lines within a subdivision in accordance with the terms of this Chapter; any such resubdivision constitutes a subdivision of property under this Chapter and shall comply with the requirements of this Chapter.

**Sell.** Transfer any quality or quantity of title to real property in any fashion whatsoever.

**Site plan.** The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities and such other information as required by this chapter or the County zoning ordinance to which the proposed development or subdivision is the subject.

**Street.** Any highway, street, avenue, boulevard, road, lane, alley or any public way.

**Subdivide.** To subdivide any tract or parcel of land into two or more tracts or parcels by any means whatsoever, excluding the following when identified and annotated on the face of the plat as such by the Subdivision Agent:

- (a) Boundary line surveys/resurveys or agreements which create no additional lots and which do not vacate, relocate, or otherwise alter any boundary line or lot line.
- (b) Well lots.
- (c) Platting of previously existing parcels in aid of deed descriptions.
- (d) Utility lots not exceeding ten thousand (10,000) square feet so long as adequate ingress and egress is provided and no substandard lots are created thereby.
- (e) ALTA/ACSM surveys or house locations surveys.

**Subdivision.** The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Survey, ALTA/ACSM (American Land Title Association/American Congress on Surveying & Mapping).** A plat generally prepared for lending institutions showing an as-built survey, also known locally as a house location survey; such plat may include an easement guarantee and title report.

**Survey, boundary.** A plat delineating the current form, extent and position of a parcel of land. The term shall include boundary line surveys.

For state law basis, see VA. CODE ANN. §15.2-2240 (Repl. Vol. 2012), §15.2-2201 (Cum. Supp. 2016), §15.2-102 (Repl. Vol. 2012), VA. CODE ANN. §10.1-604 (Repl. Vol. 2012) and VA. CODE ANN. §54.1-400 (Repl. Vol. 2013).

[THE 1989 AMENDMENT rewrote the definition of "Street" and added the definitions of "Site plan" and "Subdivision."]

[THE 1992 AMENDMENT inserted the definitions of "Flag lot," "Land surveyor" and "Professional engineer."]

[THE MAY 17, 1999 AMENDMENT added the introductory paragraph, changed the definition "Plat" to "Plat of subdivision" and added the final clause in that definition.]



[THE AUGUST 7, 2000 AMENDMENT inserted “Certified Interior Designers” in the title of the named Board in definitions of “Land surveyor” and “Professional engineer.”]

[THE JULY 6, 2004 AMENDMENT substituted “ten thousand (10,000)” for “two thousand five hundred (2,500)” in paragraph (d) in “Subdivide.”]

[THE JUNE 5, 2006 AMENDMENT revised the definition of “Lot” to include “Lot or parcel,” revised item (a) and added item (e) in the definition of “Subdivide,” added the definitions of “Plat or plat of subdivision,” “Plat, final,” “Plat, preliminary,” “Plat, record,” “Plat, resubdivision,” “Resubdivision,” “Survey, ALTA/ACSM . . .,” and “Survey, boundary,” and deleted the former definition of “Plat of subdivision.”]

[THE JULY 7, 2008 AMENDMENT added the final sentence to the definition of “Flag lot” for further clarification.]

[THE DECEMBER 1, 2008 AMENDMENT added the definition of “Dam break inundation zone.”]

[THE JULY 19, 2010 AMENDMENT rewrote the definition of “Lot or Parcel”, substituted “or the County zoning ordinance to which the proposed development or subdivision is the subject” for “except as the context otherwise requires” in the definition of “Site Plan,” added the definitions of “Collector Street,” “Commercial Subdivision,” “Common Area,” “Common Area Right-of-Way,” “Connector Street,” “Dwelling Unit,” “Industrial Subdivision,” and “Multi-Family Dwelling.”]

### **Sec. 21-3. Transactions affected; exemptions; limitations.**

(a) No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of Article 6 of Chapter 22 of Title 15.2 of the Code of Virginia and of this Ordinance. Whenever a subdivision is proposed to be made and before any conveyance of the subdivision as a whole or any part thereof is made, the owner or proprietor of a proposed subdivision, or his duly authorized representative, shall file a plat of the proposed subdivision with the Planning Commission, or Agent, as appropriate, for approval. The final plat and all procedures relating thereto shall in all respects be in full compliance with the requirements of this Chapter and all applicable laws and ordinances affecting or regulating the subdivision of land, the use thereof, and the erection of buildings or structures thereon.

(b) (1) All plats require the review and approval of the Planning Commission or Agent, as appropriate. However, those plats or surveys described in items (i) through (vii) below shall not be deemed to constitute a subdivision plat or resubdivision plat under the terms of this Chapter and shall be exempted from the general requirements of this Chapter, but shall, however, be subject to requirements of the Virginia Public Records Act (VA. CODE ANN. §42.1-76 et seq. (Repl. Vol. 2013)) and its related regulations, the minimum requirements set forth in subsection (c) of this section, and an administrative review fee of **twenty-five dollars (\$25.00)**:

- (i) Boundary line surveys/resurveys or agreements which create no additional lots; and which do not vacate, relocate, or otherwise alter any boundary line or lot line;
- (ii) Well lots;
- (iii) Platting of previously existing parcels in aid of deed description;
- (iv) Utility lots not exceeding ten thousand (10,000) square feet so long as adequate ingress and egress is provided and no substandard residue lots are created thereby; or
- (v) ALTA/ACSM surveys or house location surveys;
- (vi) Previously existing family cemeteries; or
- (vii) Lots created to support stormwater best management practices and infrastructure so long as adequate ingress and egress is provided and no substandard residue lots are created thereby. Lots must be designated on the plat as being for stormwater management and/or best management practices only as approved by the Campbell County Office of Environmental Management.

(2) Any exemptions under this subsection must be approved by the Agent and the descriptions listed above shall be strictly construed by the Subdivision Agent and shall not be applied for the purpose of circumventing the requirements of this chapter.

(3) A plat or other schematic representation of land qualifying for exemption under this subsection shall be clearly identified and annotated on its face as such by the Subdivision Agent. **Any such exemption must be approved by the Agent.** The following note shall be placed on these plats: *"This plat does not constitute a subdivision under the current Campbell County Subdivision and/or Zoning Ordinances."*

(4) When the land shown on an exempted plat lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the Planning Commission, or agent, of the locality in which the tract of land is located.

(c) In addition to compliance with the requirements of the Virginia Public Records Act (VA. CODE ANN. §42.1-76 et seq. (Repl. Vol. 2013)) and its related regulations, exempted plats, as described in items (i) through (v) of subsection (b)(1) above, shall comply with the following standards and contain the following information:

- (i) Subdivision name, date plat was prepared, graphic scale, and north arrow;
- (ii) Signature and seal of land surveyor or certified professional engineer who prepared the plat;
- (iii) Reference to last instrument in the chain of title to the subject property and the tax map identification number;

- (iv) Names of all persons owning the subject property as shown in the last instrument in the chain of title;
- (v) Names of owners and references to last instrument in chain of title and tax map identification numbers of all adjoining property;
- (vi) All existing improvements and notations regarding utilities serving the subject property (sewer/water/etc.);
- (vii) When any part of the subject property abuts on or contains any natural or artificial bodies of water the plat shall: (1) show the high water lines and the current one hundred (100) year flood plain as shown on the National Flood Insurance Program Rate Map (FIRM) published by the Federal Emergency Management Agency, (2) show where such lines are intersected by lot and block lines, and (3) include the appropriate annotation required by Section 21-18 of this ordinance.

For state law mandating subsection (a), see VA. CODE ANN. §15.2-2254 (Repl. Vol. 2012). For state law authority for imposition of fees, see VA. CODE ANN. §15.2-2241 at provision A9 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-107 (Repl. Vol. 2012).

Cross-references.--For state law provisions regarding Primary System of State Highways and State Highway System, see VA. CODE ANN. §33.2-310 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016). For state provisions regarding the Secondary System of State Highways, see VA. CODE ANN. §33.2-324 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016).

[THE 1988 AMENDMENT inserted "preliminary" preceding "approval" in the second sentence of the second paragraph.]

[THE 1992 AMENDMENT added "or if a single lot division as defined in Sec. 21-22 hereof or family division as defined in Sec. 21-23 hereof, the agent" at the end of the first sentence in the second paragraph.]

[THE MAY 17, 1999 AMENDMENT designated the first paragraph as (a) and substituted "the subdivision" for "such subdivision" and "Article 6 of Chapter 22 of Title 15.2" for "Article 7 of Chapter 11 of Title 15.1" therein; inserted new (b); designated former second paragraph as (c), with minor changes in wording of the former first and second sentences, now designated as paragraphs (1) and (2) of new (c).]

[THE JULY 2, 2001 AMENDMENT deleted the provisions of (c), concerning certain road construction and development standards for divisions of land resulting in lots of twenty-five acres or more.]

[THE JUNE 17, 2002 AMENDMENT, in subsection (b)(1), substituted "land previously divided" for "land divided" and inserted "and shall be subject to an administrative review fee of twenty-five dollars (\$25.00);" and inserted "/resurveys" in subparagraph (i).]

[THE DECEMBER 1, 2003 AMENDMENT substituted "ten thousand (10,000) square feet" for "two thousand, five hundred square feet (2,500'") in item (iv) in (b)(1).]

[THE JUNE 5, 2006 AMENDMENT added the second and third sentences in (a); rewrote (b)(1); added “and which do not vacate, relocate, or otherwise alter any boundary line or lot line” in (b)(1)(i) and added (b)(1)(v); substituted “Any exemptions under this subsection must be approved by the Agent and the descriptions” for “The exemptions” in (b)(2); added the second and third sentences in (b)(3); added (b)(4); and added new subsection (c).]

[THE JULY 19, 2010 AMENDMENT added “residue” to (b)(1)(iv) and deleted “map book or deed book and page number of” from subsection (c)(iii).]

[THE DECEMBER 2, 2014 AMENDMENT added (b)(1)(vi) and (b)(1)(vii).]

#### **Sec. 21-3.1 Reserved.**

[THE MAY 17, 1999 AMENDMENT repealed this section which had provided a restrictive process for application for exception from general regulations of the subdivision ordinance.]

#### **Sec. 21-4. Appointment of County Administrator or other designee as Subdivision Agent.**

For all purposes for which an agent is empowered, by the terms of this ordinance, to act for or on behalf of the Planning Commission or Board of Supervisors, the County Administrator or such designee as the Board of Supervisors may by Resolution appoint from time to time is appointed agent of the Planning Commission and/or the Board of Supervisors.

For state law authorizing this section, see VA. CODE ANN. §15.2-2255 (Repl. Vol. 2012).

#### **Sec. 21-4.1. Adoption of official map.**

The official map of Campbell County, having been duly adopted by the Campbell County Board of Supervisors upon the certification of the Campbell County Planning Commission in accordance with the requirements of VA. CODE ANN. §15.2-2234 (Repl. Vol. 2012), is hereby designated as the official map of Campbell County for the purposes of the comprehensive plan or in accordance with the provisions of VA. CODE ANN. §15.2-2234 (Repl. Vol. 2012), and is hereby incorporated herein by reference. The official map shall be filed in the Office of the Clerk of the Circuit Court for Campbell County and in such other locations as the Board of Supervisors may direct.

Additions or modifications to the official map may be made by ordinance duly adopted by the Board of Supervisors, after compliance with the requirements of VA. CODE ANN. §15.2-2235 (Repl. Vol. 2012).

In addition, the official map and any additions thereto or modifications thereof shall be reviewed within five (5) years from the date of adoption or readoption of the map by the Board of Supervisors.

For state law authorizing this section, see VA. CODE ANN. §15.2-2234 and §15.2-2235 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2224 (Repl. Vol. 2012).

Editor's note.— This section originally included a reference to the official map dated March 1, 1985 that was adopted by the Board of Supervisors, upon the recommendation of the Planning Commission on September 23, 1985. Subsequent comprehensive plans for Campbell County, Virginia, including official map and zoning district map, have been duly adopted at various times by the Board of Supervisors, upon the recommendation of the Planning Commission. **The current official map of Campbell County was adopted by the Board of Supervisors as part of the current comprehensive plan duly adopted on December 7, 2009.**

[THE MAY 17, 1999 AMENDMENT substituted “§15.2-2234 (Repl. Vol. 1997)” for “§15.1-459 (Repl. Vol. 1989).”]

[THE JULY 2, 2007 AMENDMENT rewrote the first sentence in the first paragraph and added the second sentence therein, and added the subsequent paragraphs.]

#### **Sec. 21-4.2. Advertisement of plans, ordinances, etc.; joint public hearings; notice.**

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by Chapter 22 (Planning, Subdivision of Land and Zoning) of Title 15.2 of the Virginia Code, as amended, or of this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the County where copies of the proposed plans, ordinances or amendments may be examined.

The Planning Commission shall not recommend nor the Board of Supervisors adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in such County; however, the notice for both the Planning Commission and the Board of Supervisors may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than twenty-one (21) days after the second advertisement appears in such newspaper. The Planning Commission and Board of Supervisors may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the Board of Supervisors. The term "two successive weeks" as used in this subsection shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. Reserved.

C. Reserved.

D. Reserved.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by Chapter 22 of Title 15.2 of the Virginia Code Annotated, as amended, or this chapter, provided a public hearing was conducted by the Board of Supervisors prior to such adoption or amendment. **Every action contesting a decision of the County based on a failure to advertise or give notice as may be required by Chapter 22 of Title 15.2 of the Virginia Code Annotated, as amended, or this chapter shall be filed within thirty (30) days of such decision with the circuit court having jurisdiction of the land affected by the decision.**

For state law authority, see VA. CODE ANN. §15.2-2204 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2205 (Repl. Vol. 2012), VA. CODE ANN. §15.2-107 (Repl. Vol. 2012), and VA. CODE ANN. §15.2-2251 through 15.2-2253 (Repl. Vol. 2012).

Cross-references. - See §§21-42 et seq. for notice requirements regarding vacation of plats, etc

Special notice requirements.--VA. CODE ANN. §15.2-107 (Repl. Vol. 2012) imposes additional notice requirements regarding the imposition or increase of levies and/or fees adopted by a locality pursuant to Chapter 21 of Title 15.2 of the Code of Virginia (Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities) and Chapter 22 of Title 15.2 of the Code of Virginia (*Planning, Subdivision of Land and Zoning*), by requiring the published notice to include information in addition to that required by VA. CODE ANN. §15.2-1427 and VA. CODE ANN. §15.2-2204. Such required public notice shall contain the following *additional* information: the actual dollar amount or percentage change, if any, of the proposed levy, fee, or increase; a specific reference to the Code of Virginia section or other legal authority granting the legal authority for enactment of such proposed levy, fee, or increase; and designation of the place or places where the complete ordinance and information concerning the documentation for the proposed fee, levy, or increase are available for examination. **These special requirements apply to fees imposed under this chapter and under Chapter 22 (Zoning) of the Campbell County Code of 1988.**

Editor's note. VA. CODE ANN. §15.2-2204 governs advertisement, hearing and notice requirements for all matters related to subdivision of land and zoning. Particular provisions applicable only to zoning are not included in the text of this section, but do appear in §22-4.1 of this Code.

[THE MARCH 17, 1997 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT, in accordance with Chapter 587 of the 1997 Virginia Acts of Assembly, redesignated subsections herein; and, in the second paragraph of A, added the last sentence; inserted B. and C. as "Reserved" subsections because the corresponding subsections in the authorizing statute apply only to certain written notice requirements concerning zoning matters; deleted former (e), which provisions are now found at end of the second paragraph of A; and deleted former (f), which provided that "a party's actual notice of, or active participation in, the proceedings for which written notice is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this

section,” which provisions are based on VA. CODE ANN. §15.2-2204 B. (Repl. Vol. 1997), which subsection is applicable only to zoning.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “five days” for “six days” in the second sentence in the second paragraph in A.]

[THE JULY 6, 2004 AMENDMENT inserted “(21)” in the second paragraph of A., with no substantive change.]

[THE DECEMBER 6, 2004 AMENDMENT redesignated the provisions of former subsection D. as present E., and designated new D. as a reserved subsection.]

## **Article II. Submission of Plats.**

### **Sec. 21-5. Submission of plats for approval required.**

No plat required to be made pursuant to the provisions of §21-3 hereof shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission or, in the case of minor subdivisions, the agent. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided in this ordinance, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

For state law mandating this section, see VA. CODE ANN. §15.2-2254 (Repl. Vol. 2012).

Cross reference: For provisions regarding recordation of plat as effecting transfer of streets, termination of easements and rights-of-way, etc., see §21-14 of this Code.

[THE MAY 17, 1999 AMENDMENT, in the second sentence, substituted “duly approved and recorded” for “submitted and approved and recorded,” and deleted “provided” following “thereto”; and, in the present third sentence, substituted “However” for “however, that” and “such” for “said” preceding “land.”]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions.”]

### **Sec. 21-6. Informal conferences with agent encouraged.**

Nothing in this Ordinance shall be deemed to prohibit informal conferences with the agent appointed pursuant to the provisions of §21-4 hereof and such conferences are encouraged. At such conferences, the agent shall act in an advisory capacity to any person wishing to subdivide land and shall instruct such person with respect to the procedures as well as the formal requirements

necessary to create such subdivision. With the exception of minor subdivisions as hereinafter provided, however, the agent shall have advisory authority only and is not authorized or empowered to make decisions or recommend actions which are binding on the Planning Commission.

For state law authorizing this procedure, see VA. CODE ANN. §15.2-2260 (Cum. Supp. 2016).

[THE MAY 17, 1999 AMENDMENT substituted “deemed to prohibit” for “construed to prevent” in the first sentence.]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions.”]

#### **Sec. 21-7. Submission of preliminary subdivision plats for tentative approval.**

A. Any person wishing to subdivide land may submit to the Planning Commission a preliminary subdivision plat for tentative approval; provided, however, that minor subdivision plats which can be approved by the agent can be submitted in preliminary form for tentative approval to the agent appointed by §21-4 of this Ordinance. The number of preliminary subdivision plats required to be submitted shall be determined by County Administrator or appointed agent.

B. Such preliminary subdivision plats submitted for tentative approval shall conform to the requirements for final plats hereinafter set forth; however, no approvals of other agencies, such as the Health Department, Department of Transportation or Soil and Erosion Control Administrator shall be required. Any person submitting a preliminary subdivision plat for tentative approval is encouraged, however, to seek, and receive, commitments for approval from all agencies required to approve final plats prior to submission of preliminary subdivision plats for tentative approval.

C.1. Upon receipt and consideration of preliminary subdivision plats the Planning Commission, or agent in the case of minor subdivisions as hereinafter provided, shall give tentative approval to the subdivision plats subject to such reasonable conditions precedent to final approval as the Planning Commission, or agent, as the case may be, shall require or shall tentatively disapprove such plat with specific instructions with respect to the manner in which the Planning Commission, or agent, believes the preliminary subdivision plat can be made subject to tentative and/or final approval. The Planning Commission, or agent in the case of minor subdivisions, shall complete action on the preliminary subdivision plats within sixty (60) days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the preliminary subdivision plat to the appropriate state agency or agencies for review within ten (10) business days of receipt of such preliminary subdivision plat.

2. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by VA. CODE ANN. § 15.2-5100 et. seq, shall complete its review within forty-five (45) days of receipt of the preliminary subdivision plat upon first submission and within forty-five (45) days for any proposed plat that has



previously been disapproved, provided, however, that the time period set forth in VA. CODE ANN. § 15.2-2222.1 (Cum. Supp. 2016) shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by VA. CODE ANN. § 15.2-5100 et. seq shall allow use of public rights-of-way for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection B.1. of §21-8 of this Code with the exception of the time period therein specified. Upon receipt of the approvals from all State agencies, the local agent shall act upon the preliminary plat within thirty-five (35) days.

3. If the Planning Commission has the responsibility of review of preliminary subdivision plats and conducts a public hearing, it shall act on the plat within forty-five (45) days after receiving approval from all State agencies. If the local agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by such agent or commission. With regard to plats involving commercial property, as that term is defined in A2 of VA. CODE ANN. § 15.2-2259, the review process for such plats shall be the same as provided in A2 and A3 of VA. CODE ANN. § 15.2-2259. However, no commission or agent shall be required to approve a preliminary subdivision plat in less than sixty (60) days from the date of its original submission to the commission or agent, and all actions on preliminary subdivision plats shall be completed by the agent or commission and, if necessary, State agencies, within a total of ninety (90) days of submission to the local agent or commission.

4. If the Planning Commission, or agent in the case of minor subdivisions, fails to approve or disapprove the preliminary subdivision plat within ninety (90) days after it has been officially submitted for approval, the subdivider after ten (10) days' written notice to the Planning Commission, or agent in the case of minor subdivisions, may petition the Circuit Court for Campbell County, or such other Circuit Court for the county or municipality in which the major part of the land involved is located, to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

5. If the Planning Commission, or agent in the case of minor subdivisions, disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit Court for Campbell County, or such other Circuit Court having jurisdiction of such land, and the Court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Planning Commission or other agent.

D. Preliminary plats submitted for tentative approval shall not be required to conform to all of the requisites hereinafter set forth for plats submitted for final approval but conformity as closely as is practicable under the circumstances is encouraged. (See §21-30 of this Ordinance). (9/8/87, 10/13/87)

For state law authority, see VA. CODE ANN. §15.2-2260 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2258 (Repl. Vol. 2012) and §15.2-2262 (Repl. Vol. 2012).

[THE 1987 AMENDMENT added the last two sentences in the third paragraph, inserted the present fourth and fifth paragraphs, and deleted the former last paragraph which had provided that time limits for action set forth in §21-8 did not apply to preliminary plats.]

[THE 1988 AMENDMENT substituted "Department of Transportation" for "highway department" in the first sentence of the second paragraph, inserted "preliminary plats within sixty (60) days of submission to such agent. However, if approval of a feature or features of the preliminary plat by a state agency is necessary, the local agent shall forthwith forward the" following "action on such" in the second sentence in the third paragraph.]

[THE 1989 AMENDMENT inserted "of a plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation" in the first sentence of the fourth paragraph and deleted "to review" at the end of that sentence, deleted "preliminary" preceding "plat" near the beginning of the second sentence therein, and, in the same sentence, inserted "comply with the requirements, and be subject to the restrictions" and substituted "in the second paragraph of §21-8 of this Code (except for the time period therein specified)" for "in writing the reason for such denial and shall state what corrections or modifications would permit approval of the preliminary plat by such agency," and inserted new sixth and seventh paragraphs.]

[THE 1991 AMENDMENT deleted "its" preceding "agent" twice in the proviso language of the second sentence in the fifth paragraph.]

[THE 1992 AMENDMENT added subsection designations A, B, C and D, added subdivision designations 1 through 5 in C and substituted "subsection B.1." for "the second paragraph" in the second sentence in C.2.]

[THE MARCH 17, 1997 AMENDMENT inserted the present second sentence in subsection C.2. and substituted "a state agency" for the "the state agency" near the beginning of the present third sentence thereof.]

[THE MAY 17, 1999 AMENDMENT substituted "the preliminary" for "such preliminary" and deleted "to such agent" following "submission" in the second sentence in subsection C.1., and substituted "commission or agent shall forward" for "local agent shall forthwith forward" in the third sentence in subsection C.1.; and substituted "(with the exception of" for "(except for" in the third sentence in subsection C.2.; substituted "the plat" for "such plat" in the first sentence in subsection C.3., deleted "provided" at the end of the second sentence therein, made the clause that formerly followed "provided" into the present third sentence, substituting "no commission or agent" for "that no local commission or agent," deleted "local" in twice and deleted "that" preceding "all actions" in that sentence; substituted "an order" for "such order" near the end of subsection C.4.; and substituted "the disapproval" for "such disapproval" in the middle of subsection C.5.]

[THE DECEMBER 4, 2006 AMENDMENT added "within ten (10) business days of receipt of such preliminary plat" at the end of subsection C.1.]

[THE DECEMBER 3, 2007 AMENDMENT added “or public authority authorized by state law” in the last sentence of subsection C.1 and rewrote subsection C.2 to clarify duties of state agencies and authorized public authorities.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “subdivision” preceding “plat” throughout this section, and added the third sentence in C3.]

[THE JULY 19, 2010 AMENDMENT deleted “as closely as is possible” from the first sentence of subsection B.]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions” several times throughout the section]

**Sec. 21-7.1. Duration of approval of preliminary subdivision plat; conditions; revocation.**

(a) Once a preliminary subdivision plat is approved, it shall be valid for a period of five (5) years, provided that the subdivider (i) submits a final subdivision plat for all or a portion of the property within one (1) year of such approval, [or such longer period as may be prescribed by local ordinance] and (ii) thereafter diligently pursues approval of the final subdivision plat. “Diligent pursuit of approval” means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days’ written notice by certified mail to the subdivider, the Planning Commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

(b) Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to VA. CODE ANN. §15.2-2261 (Cum. Supp. 2016), the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

For state law authority, see VA. CODE ANN. §15.2-2260 F and G. (Cum. Supp. 2016).

[THE DECEMBER 2, 2002 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT designated the first paragraph as (a), and added subsection (b).]

[THE JULY 20, 2009 AMENDMENT added the last sentence in (b).]

**Sec. 21-8. Submission of subdivision plat for final approval; failure to act; remedies; appeal.**

A. Whenever the owner or proprietor of any tract of land located within Campbell County desires to subdivide the tract, he shall submit a plat of the proposed subdivision to the Planning Commission, or to the agent in the case of minor subdivisions as hereinafter provided. The number of final plats required to be submitted shall be determined by the County Administrator or appointed agent. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plans or site plans required by this chapter. When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the Planning Commission, or agent, of the locality in which the tract of land is located. Site plans or plans of development required by Article XIII of Chapter 22 of this Code shall also be subject to the provisions of §21-7, §21-8, and §21-8.1 of this Code, mutatis mutandis.

B.1. Except as otherwise provided in VA. CODE ANN. §15.2-2259 A2 and A3, the Planning Commission, or agent in the case of minor subdivisions, shall act on any proposed plat within sixty (60) days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission, or agent, as the case may be, shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the Commission, or agent, as the case may be, shall forward the plat to the appropriate state agency or agencies for review within ten (10) business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth VA. CODE ANN. § 15.2-2222.1 (Cum. Supp. 2016), which shall extend the time for action by the Planning Commission or the agent, as set forth in VA. CODE ANN. § 15.2-2259(B) (Cum. Supp. 2016). Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The Planning Commission or other agent shall act on any proposed plat that it has previously disapproved within forty-five (45) days after the plat has been modified, corrected and resubmitted for approval. The subdivider shall be given a full and fair opportunity to present his case before the Planning Commission, or agent, as the case may be, prior to action by the Planning Commission or agent and shall be entitled to be represented by counsel.

2. If the Planning Commission, or agent in the case of minor subdivisions, fails to approve or disapprove the plat within sixty (60) days after it has been officially submitted for approval, or within forty-five (45) days after it has been officially resubmitted after a previous disapproval, or within thirty-five (35) days of receipt of any agency response pursuant to VA. CODE ANN. § 15.2-2259(B) (Cum. Supp. 2016), the subdivider, after ten (10) days' written notice to the Commission, or agent, as the case may be, may petition the Circuit Court for Campbell County or such other Circuit Court for the county or municipality in which the major part of the land involved is located, to decide whether the plat should be approved or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in VA. CODE ANN. §8.01-644 et seq. and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

3. If the Planning Commission, or agent, as the case may be, disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit Court of Campbell County, or such other Circuit Court having jurisdiction of such land, and the Court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within sixty (60) days of the written disapproval by the Planning Commission or agent. (9/8/87, 10/13/87)

For state law authorizing and mandating this section, see VA. CODE ANN. §15.2-2258 (Repl. Vol. 2012) and §15.2-2259 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2253 (Repl. Vol. 2012).

Editor's note. "Mutatis mutandis" is a Latin phrase meaning "with the necessary changes in points of detail," such that, in interpreting the provisions of the referenced §§21-7, 21-8, and 21-8.1 (which deal with subdivision plats), one would apply the substantive provisions to site plans.

[THE 1987 AMENDMENT inserted new second and fourth sentences in the first paragraph, and inserted "after it has been officially submitted for approval" in the middle of the first sentence in the second paragraph.]

[THE 1989 AMENDMENT inserted the third sentence in the first paragraph, substituted "any" for "all in the first sentence of the second paragraph, and, in the third sentence of that paragraph, inserted language beginning "The reasons for disapproval" through "or policies" and substituted "generally identify" for "relate in general terms," inserted "or such other Circuit Court for the county or municipality, in which the major part of the land involved is located" in that same sentence, and inserted "or such other Circuit Court having jurisdiction of such land" in the fourth paragraph.]

[THE MAY 17, 1999 AMENDMENT, in subsection A., substituted "the tract" for "the same" in first sentence, substituted "locality" for "political subdivision" and for "the jurisdiction," and deleted "to be subdivided" preceding "is located" in the fifth sentence, and, in the last sentence, substituted "Site plans" for "Site plan" and "§21-7, §21-8, and §21-8.1 of this Code" for "this section"; in subsection B.1., deleted "submitted for final approval" preceding "within sixty (60)" and substituted "the plat in writing" for "such plat in writing" in the first sentence and deleted "such" preceding "modifications" in the third sentence; in subsection B.2., substituted "an order" for "such Order" in the last sentence; and, in subsection B.3., substituted "the disapproval" for such disapproval."]

[THE DECEMBER 1, 2003 AMENDMENT, in subsection B.1, inserted new second and fifth sentences; in third sentence, substituted "shall" for "may," inserted "either," and deleted "may be written" preceding "on the plat itself"; in the fourth sentence, substituted "that" for "which" and deleted "generally" preceding "identify"; and in subsection B.2, inserted "or within forty-five (45) days after it has been officially resubmitted after a previous disapproval" in the first sentence, and, in the last sentence inserted "give the petition priority on the civil docket" and "expeditiously in accordance with the procedures prescribed in VA. CODE ANN. §8.01-644 et seq.]

[THE DECEMBER 3, 2007 AMENDMENT added the third and fourth sentences in subsection (B)(1) and “or within thirty-five (35) days of receipt of any agency response pursuant to VA. CODE ANN. § 15.2-2259(B) (Cum. Supp. 2007)” in subsection (B)(2).]

[THE DECEMBER 1, 2008 AMENDMENT added the fourth sentence in A (effective July 1, 2009) and inserted “Except as otherwise provided in VA. CODE ANN. §15.2-2259 A2 and A3” at the beginning of the first sentence in B1.]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions” three times throughout the section.]

**Sec. 21-8.1. Duration of approval of recorded subdivision plat or final site plan: extensions; effect of ordinance amendments; modifications.**

A. An approved final subdivision plat which has been recorded or an approved final site plan, hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of not less than five (5) years from the date of approval thereof or for such longer period as the Planning Commission or agent in the case of minor subdivisions may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed final once it has been reviewed and approved by the Planning Commission or agent in the case of a minor subdivision if the only requirements remaining to be satisfied in order to obtain a building permit are the posting of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or fees required by the Planning Commission or agent in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner.

B.1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final site plan, the Planning Commission or agent in the case of minor subdivisions may grant one or more extensions of such approval for additional periods as the commission or other agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

2. If the Planning Commission or other agent denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of land subject to the recorded plat or final site plan, provided that such appeal is filed with the circuit court within sixty (60) days of the written denial by the Planning Commission or other agency.

C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in the case of a recorded plat for five (5) years after approval, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat or site plan unless

the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

D. Application for minor modifications to recorded plats or final site plans made during the periods of validity of such plats or plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of such minor modifications extend the period of validity of such plats or plans.

E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled; (ii) the authority of the Board of Supervisors to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; (iii) the application to individual lots on recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (VA. CODE ANN. §62.1-44.15:67 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016)); or (iv) the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402(p) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

F. An approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to a developer or local jurisdiction), shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in VA. CODE ANN. §§ 15.2-2270 through 15.2-2278 (Repl. Vol. 2012).

For state law authority, see VA. CODE ANN. §15.2-2261 (Cum. Supp. 2016).

Editor's notes: See also §21-14.1(b)(2) of this Code regarding the right of a developer, after having recorded a final plat which may be a section of a subdivision as shown on an approved preliminary plat and after furnishing to the County Board of Supervisors a performance guarantee in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the county or other public agency, to record at a later date remaining sections shown on the preliminary plat, subject to conditions and time limits prescribed in §21-14.1(b)(2).

[THE 1992 ACT adopted this section.]

[THE 1993 AMENDMENT added the second sentence in subsection A.]

[THE MARCH 17, 1997 AMENDMENT inserted the state code citation for the Chesapeake Bay Preservation Act in subsection E.]

[THE DECEMBER 1, 2008 AMENDMENT added subsection F.]

[THE JULY 2, 2013 AMENDMENT added “or the submission of any other administrative documents, agreements, deposits, or fees required by the Planning

Commission or agent in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner” in (a).]

[THE JULY 5, 2016 AMENDMENT substituted “minor subdivisions” for “single lot divisions” three times throughout the section.]

**Sec. 21-8.1:1. Recorded plat or final site plan; conflicting zoning conditions.**

If the provisions of a recorded plat or final site plan, which was specifically determined by the Board of Supervisors *and not its designee* to be in accordance with the zoning conditions previously approved pursuant to §22-19 through §22-24 of this Code, conflict with any underlying zoning conditions of such previous rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of §22-4.1 of this Code and VA. CODE ANN. §15.2-2204 (Cum. Supp. 2016) shall be deemed to have been satisfied.

For state law authority, see VA. CODE ANN. §15.2-2261.1 (Repl. Vol. 2012).

[THE DECEMBER 2, 2002 ACT adopted this section.]

**Sec. 21-8.1:2. Extension of approvals to address housing crisis.**

(a) Notwithstanding the time limits for validity set out in VA. CODE ANN. § 15.2-2260 or 15.2-2261, or the provisions of subsection F of § 15.2-2260, any subdivision plat valid under VA. CODE ANN. § 15.2-2260 and outstanding as of January 1, 2011, and any recorded plat or final site plan valid under VA. CODE ANN. § 15.2-2261 and outstanding as of January 1, 2011, shall remain valid until July 1, 2017, or such later date provided for by the terms of this Chapter, or for a longer period as agreed to by the County. Any other plan or permit associated with such plat or site plan extended by this subsection shall likewise be extended for the same time period.

(b) Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2011, and related to new residential or commercial development, any deadline in the exception permit, or in Chapter 22 of this Code that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time, shall be extended until July 1, 2017, or longer as agreed to by the County. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit, or other agreement or zoning action be terminated or ended by a certain date or within a set number of years.

(c) Notwithstanding any other provision of this chapter, for any rezoning action approved pursuant to VA. CODE ANN. § 15.2-2297, 15.2-2298, or 15.2-2303, valid and outstanding as of January 1, 2011, and related to new residential or commercial development, any



proffered condition that requires the landowner or developer to incur significant expenses upon an event related to a stage or level of development shall be extended until July 1, 2017, or longer as agreed to by the County. However, the extensions in this subsection shall not apply (i) to land or right-of-way dedications pursuant to VA. CODE ANN. § 15.2-2297, 15.2-2298, or 15.2-2303, (ii) when completion of the event related to the stage or level of development has occurred, or (iii) to events required to occur on a specified date certain or within a specified time period. Any proffered condition included in a special exception, special use permit, or conditional use permit shall only be extended if it satisfies the provisions of this subsection.

(d) The extension of validity provided in subsection (a) and the extension of certain deadlines as provided in subsection (b) shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

For state law authority, see VA. CODE ANN. §15.2-2209.1 (Repl. Vol. 2012).

[THE JULY 20, 2009 ACT adopted this section.]

[THE JULY 17, 2012 AMENDMENT advanced the dates of affected matters outstanding from 2009 to 2011, and extended the date of validity throughout to 2017 from 2014, and added “unreleased” in subsection (d).]

#### **Sec. 21-8.2. Notice to Commissioner of Revenue of improvements to property in platted subdivisions.**

Owners of lands contained in a final subdivision plat which has been recorded shall notify the County Commissioner of the Revenue of improvements to real property situated in such platted subdivision.

For state law authority, see VA. CODE ANN. §15.2-2264 (Repl. Vol. 2012).

[THE 1992 ACT adopted this section.]

#### **Sec. 21-9. Stale plats.**

Unless a plat is filed for recordation within six (6) months after final approval thereof such approval shall be withdrawn and the plat marked void and returned to the Planning Commission, or agent, as the case may be; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Campbell County Board of Supervisors, or where the developer has furnished surety to the Board of Supervisors by certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement approved by the Board, whichever is greater.

For state law mandating this section, see VA. CODE ANN. §15.2-2241 (provision A8) (Cum. Supp. 2016).

[THE 1987 AMENDMENT substituted "is" for "be" preceding "filed."]

[THE 1993 AMENDMENT added the final clause, beginning "; however, in any case where construction...."]

#### **Sec. 21-10. Plat fees.**

There shall be a charge of **thirty-five dollars (\$35.00)** for the examination and approval or disapproval of every single lot division plat submitted for final approval to the agent. There shall be a charge of **twenty-five dollars (\$25.00)** for the examination and approval of every relocation or vacation of boundary lines plat submitted for final approval to the agent. There shall be a charge of **twenty-five dollars (\$25.00)** for the examination and approval or disapproval of every deed of vacation submitted for final approval to the agent *other than under sections 21-42, 21-43 or 21-43.1 herein.*

In all other cases, at the time the final plats are presented, the person wishing to create a subdivision shall deposit with the Treasurer of Campbell County a check payable to the Treasurer of Campbell County in the amount of **seventy-five dollars (\$75.00) per plat, plus ten dollars (\$10.00) for each lot shown thereon.**

Plats prepared on behalf of Campbell County, Campbell County Schools, or Campbell County Utilities and Service Authority are exempt from the fees established by this section.

For state law authorizing this section, see VA. CODE ANN. §15.2-2241 (provision A9) (Cum. Supp. 2016). For special notice requirements applicable to levies, fees, and increases under this chapter, see VA. CODE ANN. §15.2-107 (Repl. Vol. 2012).

[THE JUNE 17, 2002 AMENDMENT increased the fee for approval/disapproval of single lot division plats from \$7.50 to \$25.00 in the first paragraph, and, in the second paragraph, increased the fees on other subdivision plats from \$25.00 per plat and \$2.00 per lot for subdivisions containing five lots or more and from \$15.00 per plat and \$2.00 per lot for subdivisions containing less than five lots to \$50.00 per plat plus \$10.00 per lot shown thereon *regardless of the size of the subdivision.*]

[THE DECEMBER 3, 2007 AMENDMENT added the second sentence in the first paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT added the third paragraph.]

[THE JULY 5, 2016 AMENDMENT increased the fee for approval/disapproval of single lot division plats from \$25.00 to \$35.00 and added a fee of \$25.00 for examination and

approval of relocation or vacation of boundary lines plat in the first paragraph, and in the second paragraph, increased the fees on other subdivision plats from \$50.00 per plat plus \$10.00 per lot shown to \$75.00.]

### **Article III. Requirements for Subdivisions.**

#### **Division A. Streets and Other Improvements.**

For ordinance designating certain private roads as "highways" for law-enforcement purposes, see §15-8.3:4 of this Code.

#### **Sec. 21-11. When streets required to be dedicated and constructed.**

When any person proposes to subdivide any tract or parcel of land into lots containing less than three (3) acres, then streets shown on the subdivision plat must be dedicated and constructed to Virginia Department of Transportation (VDOT) standards so as to enable the streets to be taken into the secondary system of state highways. Sidewalks shall likewise be dedicated and constructed as required by VDOT and/or the Campbell County Zoning Ordinance at Chapter 22 of this Code.

Provision shall be made on plats showing such streets for easements to be granted to electric, telephone and community antenna television companies and other utility companies for underground installations of wire, cable and other necessary appurtenances adjacent to the rights of way provided for such streets.

All streets serving subdivisions will require construction and acceptance in the secondary system of state highways, except those streets and offstreet parking areas located within multi-family dwelling developments, commercial developments and industrial developments not otherwise eligible for state maintenance and which provide access to streets within the primary system of state highways or the secondary system of state highways, the design and construction of such streets and offstreet parking areas shall be controlled by the provisions of Sec. 21-26 hereof.

For state law authority, see VA. CODE ANN. §15.2-2241 at subdivisions A2, A4, first paragraph of A5, and A6 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2242 at provision 3 (Cum. Supp. 2016).

Cross-references.--For state law as to Primary System of State Highways or State Highway System, see VA. CODE ANN. §33.2-310 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016). For state law provisions regarding Secondary System of State Highways, see VA. CODE ANN. §33.2-324 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016).

[THE 1988 AMENDMENT substituted "Virginia Department of Transportation" for "Virginia Department of Highways and Transportation" and "secondary system of state highways" for "Secondary Highway System" in the first paragraph.]

[THE APRIL 3, 1995 AMENDMENT added the exception regarding multi-family dwellings at the end of the third paragraph.]

[THE APRIL 30, 1996 AMENDMENT, in the third paragraph, substituted "System of State Highways" for "secondary system of highways," inserted "design and," substituted "such streets" for "which streets," and deleted subsection designation "E" following "Sec. 21-28."]

[THE MARCH 17, 1997 AMENDMENT substituted "primary system of state highways or the secondary system of state highways" for "System of State Highways" in the third paragraph.]

[THE JULY 2, 2001 AMENDMENT, in the first paragraph, inserted "(VDOT)" in the first sentence, and added the new second and third sentences.]

[THE JULY 19, 2010 AMENDMENT substituted "as required by VDOT and/or the Campbell County Zoning Ordinance at Chapter 22 of this Code" for "on such streets when the proposed subdivision contains ten (10) or more lots, the majority of which are one-quarter ( $\frac{1}{4}$ ) acre or less, and all other VDOT requirements for accepting sidewalks for maintenance are present. Sidewalks shall be constructed on at least one side of through streets, and on both sides of streets ending in a cul-de-sac" at the end of the first paragraph, added "and acceptance in the secondary system of state highways" in the third paragraph, added "commercial developments and industrial developments not otherwise eligible for state maintenance" in the third paragraph, deleted "coming within the purview of Article IV hereof" in the first line of the third paragraph, deleted "residents thereof with" prior to "access to streets" in the third paragraph, and changed the cross reference from 21-28 to 21-26.]

#### **Sec. 21-12. When streets required to be dedicated but not constructed.**

(a) When any person proposes to subdivide a tract or parcel of land into lots of three (3) acres or more, then all of the requirements of Section 21-11 of this ordinance shall apply with the exception that the streets shown on said plat shall be required to be dedicated but shall not be required to be constructed prior to granting approval for such subdivision plats, however, the Planning Commission may request engineered road design plans which will be sufficient to satisfy the then current standards of the Virginia Department of Transportation with respect to the feasibility of building such streets, as well as contour information, with respect to the streets shown on said plat but not required to be constructed, so as to insure that in the event of later construction of said streets, the same will qualify to be taken into the secondary system of state highways; provided, however, that all streets which serve as connectors between two (2) or more streets in the secondary system of state highways will in all instances be required to be paved in accordance with the then current standards of the Virginia Department of Transportation. The Planning Commission is not obligated to accept the dedication of any street it finds is not in the interest of the public health, safety, and welfare.

(b) Streets shown on plats of single lot divisions, as hereinafter provided, shall be required to be dedicated but shall not be required to be constructed, and shall be subject to the road construction feasibility requirements of Section 21-12(a) of this Ordinance, and the plat shall conform to the mandates of Section 21-32 hereof.

(c) A maximum of two (2) lots shall be permitted on each street or roadway permitted under this provision. (9/8/87)(10/13/87)(2/2/88)

For state law authorizing this section, see VA. CODE ANN. §15.2-2241 at subdivisions A2, A4, and A5 (Cum. Supp. 2016) and VA. CODE ANN. §15.2-2242 at provision 3. (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2244 at subsection A. (Repl. Vol. 2012) as to single lot divisions.

[THE FIRST 1988 AMENDMENT inserted "road construction feasibility" in (b).]

[THE SECOND 1988 AMENDMENT substituted "Virginia Department of Transportation" for "Virginia Department of Highways and Transportation" twice and "secondary system of state highways" for "Secondary Highway System" twice in (a).]

[THE OCTOBER 6, 1997 AMENDMENT substituted "two (2)" for (ten (10))" in (c).]

[THE JULY 19, 2010 AMENDMENT added the last sentence in subsection (a).]

**Sec. 21-13. Coordination of streets within and contiguous to subdivision with other existing or planned streets.**

(a) **Location.** Arrangement, character and location of all streets shall be planned with relation to existing and planned streets, within the general area, including coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions, topographic conditions, public convenience and safety and appropriate relation to the proposed uses of land to be served by such streets. Arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of existing arterial or collector streets and surrounding streets. All street planning shall be accomplished in such a manner so as to avoid undue congestion on existing or planned streets within or contiguous to the proposed subdivision or on existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions; to maximize access to each lot in a subdivision by fire, police, rescue and other emergency vehicles in compliance with applicable provisions of the Statewide Fire Prevention Code, as incorporated as a part of this Code by §10-26; and to promote, to the greatest extent possible, public health, safety and welfare by minimizing unnecessary traffic in residential areas and by maximizing visibility and minimizing traffic flow at all street intersections within the subdivision. However, if more than one access street for the subdivision is required by the Statewide Fire Prevention Code, then each such additional access street shall also be dedicated to public use and shall be designed and constructed to Virginia Department of Transportation (VDOT) standards so as to enable it to be taken into the secondary system of state highways, except those streets and offstreet parking areas located within multifamily dwelling developments, commercial developments, and industrial developments not otherwise eligible for state maintenance and which provide access to streets within the primary system of state highways or the secondary system of state highways, the design and construction of such streets and offstreet parking areas shall be controlled by the provisions of Section 21-26 herein. The Planning Commission may seek the advice of the County Fire Marshal in determining the adequacy of access by emergency vehicles to each lot in the subdivision.

Lots within the proposed subdivision that do not meet the exceptions described in (i) through (v) shall abut a street for a distance equal to the minimum lot width for the zoning district in which the lot is located.

- (i) Cul-de-sacs. Lots that are located on a cul-de-sac must abut a street for a distance of at least fifty feet (50') to ensure safe ingress and egress.
- (ii) Flag lots. No more than two (2) flag lots, as defined in Section 21-2 of this Code, shall be permitted on any parcel of land, and the elongated portions thereof providing access to a street as required by this section shall not abut or adjoin. Flag lots (1) may only be used to address severe topography or other unusual physical characteristics of a parcel of land, and only after the approval of the Planning Commission, (2) where permitted by the Planning Commission, must have at least fifty feet (50') of frontage on a street in all cases, and (3) where permitted by the Planning Commission, shall contain the minimum area required by the zoning ordinance without utilizing the area within the long, narrow "flagpole" portion of the lot in such computation of lot area. The provisions of this paragraph shall not apply to family lot divisions as provided for under Section 21-23 of this Code. Approval shall not be given to any plat utilizing flag lot or similar configurations for the purpose of circumventing the provisions of this chapter.
- (iii) Family divisions. In the case of lots of less than five acres created as family single lot divisions in conformance with Section 21-23 of this Code, such lots shall have reasonable right-of-way of not less than ten (10) feet or more than twenty (20) feet providing ingress and egress to a dedicated recorded public street or thoroughfare.
- (iv) Townhouse developments. Lots created as part of a townhouse development, offered for public sale, and meeting the definition of townhouse located in Section 22-2 of the Campbell County Zoning Ordinance are not required to abut a street for any minimum distance. The minimum lot width for each unit within a townhouse development shall be measured at the building location.
- (v) Business and industrial lots abutting more than one street. Lots within Business or Industrial zones shall abut a street for a distance equal to the minimum lot width for the zone. Where a lot abuts more than one street, the minimum road frontage requirement must be met as to the lot frontage along only one of such streets where permitted by the Planning Commission.

(b) **Grades and drainage.** All streets shown on a subdivision plat, whether required to be constructed in accordance with the provisions of §21-11 hereof or whether required to be dedicated but not constructed in accordance with the provisions of §21-12 hereof, shall be subject to the then current regulations of the Planning Commission and Virginia Department of Transportation with respect to the manner in which and extent to which grading is required and the manner and extent to which easements will be required for drainage of surface water from said streets. Road design plans satisfactory to the Virginia Department of Transportation and to the Planning Commission shall be

furnished by the subdivider as required by the Planning Commission and Virginia Department of Transportation in order for them to make this determination.

(c) **Plats without streets.** Subdivision plats where roads are not to be constructed, when presented for final approval, shall contain the statement required by §21-31(s) of this ordinance.

When lots are sold under this subdivision plat, the statement required under §21-31(s) shall be reproduced on the deeds or conditional sales contracts granted to the purchaser in conformity with §21-13.1 of this Code.

For state law authority, see VA. CODE ANN. §15.2-2241 at provisions A2, A3, A4, and A5 (Cum. Supp. 2016), and VA. CODE ANN. §15.2-2242 at provision 3. (Cum. Supp. 2016).

[THE 1988 AMENDMENT substituted "secondary system of state highways" for "State Secondary Highway System" twice in the second paragraph of (a), "§21-11" for " ☐ §20 11" in first sentence of (b), and "Virginia Department of Transportation" for "Virginia Department of Highways and Transportation" in the first and second sentences of (b), and added "in conformity with §21-13.1 of this Code" at the end of the second paragraph of (c).]

[THE 1990 AMENDMENT substituted "thirty (30) feet" for "twenty (20) feet" twice in the second paragraph in (a).]

[THE 1991 AMENDMENT inserted language beginning "within the general area" and ending "or contiguous to adjacent subdivisions" in the first sentence in (a), and, in the third sentence of (a), inserted "existing or planned" following "congestion on" and "or on existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions" preceding "to maximize."]

[THE 1992 AMENDMENT inserted new third and fourth paragraphs in (a).]

[THE OCTOBER 6, 1997 AMENDMENT deleted "adjoining" following "no more than two (2)" in the first sentence of the third paragraph in (a).]

[THE MAY 17, 1999 AMENDMENT substituted "Subdivision Agent" for "Administrator" in the second paragraph in (a).]

[THE DECEMBER 6, 2004 AMENDMENT, in the second paragraph in (a), substituted "shall abut a street for a distance equal to the minimum lot width . . . abut a street for a distance of at least fifty feet (50')" for "must, unless on a cul-de-sac, abut a distance of at least thirty (30) feet on a street providing said lot with access to a street within the secondary system of state highways and, in the case of lots on a cul-de-sac, such lots must abut a street providing access to a street within the secondary system of state highways for a distance deemed sufficient by the Planning Commission, or Subdivision Agent, as the case may be" and deleted "but in no event less than thirty (30) feet" following "abutting a cul-de-sac" at the end of the paragraph; in the third paragraph in

(a), substituted the present second sentence for the former second and third sentences which read: “Flag lots containing three (3) or more acres must have at least fifty (50) feet of frontage on a street providing said lot with access to a street within the secondary system of state highways. Flag lots of less than three (3) acres must have at least thirty (30) feet of frontage on such a street.”]

[THE AUGUST 1, 2005 AMENDMENT, in the first paragraph in (a), inserted “in compliance with applicable provisions of the Statewide Fire Prevention Code, as incorporated as a part of this Code by §10-26” in the third sentence, and added the last sentence.]

[THE DECEMBER 3, 2007 AMENDMENT inserted the fourth sentence in the first paragraph of (a).]

[THE JULY 1, 2014 AMENDMENT inserted the second sentence in the second paragraph of subsection (a).]

[THE JULY 7, 2015 AMENDMENT inserted “except those streets and offstreet parking areas located within multifamily dwelling developments, commercial developments, and industrial developments not otherwise eligible for state maintenance and which provide access to streets within the primary system of state highways or the secondary system of state highways, the design and construction of such streets and offstreet parking areas shall be controlled by the provisions of Section 21-26 herein” in the first paragraph of (a), and rewrote the rest of (a) to clarify distances for street abutment and exceptions (i) through (v).]

### **Sec. 21-13.1 Required statement when subdivision streets below state standards.**

In the event that streets in a subdivision will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways or for state street maintenance moneys paid to municipalities, the subdivision plat and all approved deeds of subdivision, or similar instruments, must contain a statement advising that the streets in the subdivision do not meet state standards and will not be maintained by the Department of Transportation or Campbell County and are not eligible for maintenance or improvement with funds allocated by either the General Assembly of Virginia or the Commonwealth Transportation Board. Grantors of any subdivision lots to which such statement applies must include the statement on each deed of conveyance thereof. (See §21-31(s) of this Code).

For state law authority, see VA. CODE ANN. §15.2-2242 at provision 3. (Cum. Supp. 2016), VA. CODE ANN. § 33.2-336 (Repl. Vol. 2014).

Cross-reference.--For state law provisions as to Secondary System State Highways, see VA. CODE ANN. §33.2-324 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016).

[THE 1988 ACT adopted this section.]



[THE 1992 AMENDMENT inserted "or for state street maintenance moneys paid to municipalities" in the first sentence.]

[THE JULY 7, 2008 AMENDMENT inserted "and are not eligible for maintenance or improvement with funds allocated by either the General Assembly of Virginia or the Commonwealth Transportation Board" at the end of the first sentence.]

**Sec. 21-14. Recordation of approved plat as transfer of streets, termination of easements and rights-of-way, etc.; relocation of certain public easements.**

(a)(1) In accordance with the provisions of VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012), the recordation of an approved plat shall operate to transfer, in fee simple, to Campbell County, the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to Campbell County any easement indicated on the plat to create a public right of passage over the land. The recordation of such plat shall operate to transfer to Campbell County, or to such association or public authority as the County may provide, such easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the County may require. Nothing contained in this chapter shall affect any right of a subdivider of land heretofore validly reserved prior to the enactment of this or preceding subdivision ordinances within Campbell County. The clerk shall index in the name of all the owners of property affected by the recordation in the grantor's index any plat recorded under this section or VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012). **Nothing in this section shall obligate Campbell County, or an association or authority named by the County as specified hereinbefore, to install or maintain such facilities unless otherwise agreed to by the County, association, or authority.**

(2) Approval of Campbell County, through its erosion and sedimentation control plan-approving authority or otherwise, of a long-term maintenance plan for a stormwater detention or retention basin or facility required under the provisions of Chapter 8 of this Code, and/or determination by Campbell County, through the County Attorney, as to the legal adequacy of a proposed long-term maintenance agreement regarding such facility shall not be deemed to constitute acceptance by the County of such maintenance responsibility. The County of Campbell shall not be deemed to have assumed responsibility for such maintenance program or its related costs unless such responsibility is expressly accepted by duly adopted ordinance of the Board of Supervisors of Campbell County. Responsibility for the operation and long-term maintenance of stormwater detention or retention basins or facilities required under Chapter 8 of this Code shall remain with the property owner and his successors in interest and shall be formalized in the Stormwater Management Agreement required by §8-8.3 of this Code.

(b) When the Campbell County Planning Commission, or Agent, as the case may be, approves in accordance with the subdivision ordinances of the County a plat or replat of land therein, then upon the recording of the plat or replat in the Clerk's Office of the Circuit Court of Campbell County, all rights-of-way, easement or other interest of the County in the land included in the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the County by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of Article VII of this chapter (§21-42 et seq.) shall not be affected thereby.

All public easements, except those for public passage, easements containing improvements, those that contain private utility facilities, common or shared easements for the use of franchised cable operators and public service corporations, may be relocated by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of Campbell County, regardless of the manner of acquisition or the type of instrument used to dedicate the original easement. In the event the purpose of the easement is to convey stormwater drainage from a public roadway, the entity responsible for the operation of the roadway shall first determine that the relocation does not threaten either the integrity of the roadway or public passage. The clerk shall index the County as grantor of any easement or portion thereof terminated and extinguished under this section.

For state law authority, see VA. CODE ANN. §15.2-2241 at provision A5 (Cum. Supp. 2016) and VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012).

Cross-reference. For provisions concerning long-term maintenance requirements for stormwater detention or retention facilities, responsibility for the operation and maintenance of such facilities, and requirement of legally binding agreement between owner/developer and County regarding long-term maintenance and providing that such agreement shall constitute covenant running with the land binding on the owner/developer and its successors in interest, see §8-8.1, §8-8.2, and §8-8.3 of this Code. See also §21-31(u) of this Code.

[THE 1989 AMENDMENT rewrote this section, incorporating former fifth paragraph of former (a), and added new (b). The amendment also redesignated former first, second, third and fourth paragraphs of former (a) as present (a), (b) and (c) of new §21-14.1, and deleted as redundant former (b) which concerned the recordation of a plat of single lot division as effecting dedication of areas set aside for streets, alleys or other public use.]

[THE MARCH 17, 1997 AMENDMENT deleted the clause stating "provided, however, that nothing contained in this chapter shall affect any right of a subdivider of land validly reserved prior to the enactment of this or preceding subdivision ordinances within Campbell County" at the end of the first sentence in (a) and added present second, third, fourth, and fifth sentences therein. The third sentence substantially restates the provisions of the deleted clause.]

[THE MAY 17, 1999 AMENDMENT substituted "§15.2-2265 (Repl. Vol. 1997) for §15.1-478 (Cum. Supp. 1996)" twice in (a); in first sentence of (a), substituted "the portion" for "such portion," "the plat set apart" for "such plat set apart," "the plat to create" for "such plat to create," and "over the land" for "over the same;" and in (b), substituted "When" for "Provided, that where" and "the plat or replat" for "such plat or replat."]

[THE DECEMBER 20, 1999 AMENDMENT redesignated provisions of (a) as paragraph (1) therein and added paragraph (2).]

[THE JULY 2, 2001 AMENDMENT substituted "an approved plat" for "any approved plat" in the first sentence in (a)(1).]

[THE JUNE 5, 2006 AMENDMENT added the second, third, and fourth sentences in (b).]

**Sec. 21-14.1 Acceptance of dedication to public use; bonding.**

(a) The act of approval and recordation of a subdivision plat shall be acceptance of dedication for public use of any right of way located within any subdivision which is constructed or proposed to be constructed within the subdivision or section thereof, subject to the exceptions set forth in §21-14 of this Code.

(b)(1) Any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the County, the Commonwealth, or other public agency, and other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities, financed or to be financed in whole or in part by private funds shall be accepted only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the Board of Supervisors, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities, and the contractor's bond with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's irrevocable letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the County and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten percent (10%) of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the County shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

(2) If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the County, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the

approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development subject to the terms and conditions of this ordinance and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. If the governing body has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then the subdivider or developer shall be required to furnish the County with a maintenance and indemnifying bond, commercial or County, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body may accept a bank or savings institution's irrevocable letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings institution, the amount and the form or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

(c) In the case of harvesting and reforestation of a tract of timber, if an easement for ingress and egress to and from the tract of timber is clearly designated on a plat showing such way, then the provisions of the foregoing paragraph of this section shall not apply provided that the final subdivision plat submitted for approval to the Planning Commission, or Agent, as the case may be, shall bear the notation, "The easement of way shown hereon is for ingress and egress for the purposes of harvesting and reforestation only, and shall not be considered to be a dedicated way and shall, upon the completion of harvesting and reforestation be deemed to be extinguished by operation of law."

(d) Notwithstanding the provisions of paragraph (b)(2) of this section, provided the developer and the governing body have agreed on the delineation of sections within a proposed development, the developer shall not be required to furnish to the governing body a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of facilities to be dedicated for public use within each section of the development until such time as construction plans are submitted for the section in which such facilities are to be located.

For state law authority, see VA. CODE ANN. §15.2-2241 at provision A5 (Cum. Supp. 2016) and VA. CODE ANN. §15.2-2241.1 (Repl. Vol. 2012).

Cross-reference.--For state law as to Secondary System of State Highways, see VA. CODE ANN. §33.2-324 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016). For provisions regarding duration of approval of recorded subdivision plat or final site plan, see §21-8.1 of this Code.

[THE 1987 AMENDMENT inserted "or section thereof" in (a) and inserted language beginning "and other site-related improvements" and ending "stormwater management facilities" preceding the first enumerated clause in (b)(1).]

[THE 1988 AMENDMENT substituted "secondary system of state highways" for "state highway system" and for "state's highway system" in the second sentence of (b)(2), added language beginning "or acceptance of a negotiated sum" following "form" in the third sentence therein, and, in the fourth sentence thereof, substituted "or" for "and" preceding "other street improvements."]

[THE 1989 AMENDMENT rewrote former §21-14 incorporating the former first, second, third and fourth paragraphs of former (a) thereof as present (a), (b), and (c) herein, and added "subject to the exceptions set forth in §21-14 of this Code" at the end of (a), and substituted "sewerage system, or waterline" for "sewer system, water line" in the first sentence of (b)(1).]

[THE 1991 AMENDMENT redesignated former clauses (1) through (3) as present clauses (i) through (iii) in the first sentence of (b)(1).]

[THE 1993 AMENDMENT deleted "or" preceding clause (ii) in the first sentence of (b)(1).]

[THE MARCH 17, 1997 AMENDMENT, in (b)(1), inserted "including traffic signalization and control" in the middle of the first sentence and added "which shall not exceed twenty-five percent of the estimated construction costs" at end of the last sentence; in (b)(2), inserted language "or for such longer period . . . size and phasing of the proposed development" in first sentence, and substituted "savings institution" for "savings and loan association" throughout the section.]

[THE MAY 17, 1999 AMENDMENT deleted "or" preceding "waterline as part of" near the beginning of (b)(1); and, in the last sentence in (b)(2), substituted "as used in this section means" for "shall be deemed to mean."]

[THE DECEMBER 2, 2002 AMENDMENT added the last sentence in (b)(1).]

[THE DECEMBER 3, 2007 AMENDMENT added subsection (d).]

[THE DECEMBER 1, 2008 AMENDMENT inserted "subdivision" preceding "plat" twice in the first sentence of (b)(2).]

[THE JULY 20, 2009 AMENDMENT substituted "ten" for "twenty-five" in the second sentence in (b)(1), and substituted "any" for "the first" preceding "section" in the first sentence of (b)(2).]

[THE JULY 19, 2010 AMENDMENT added "or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency" to (b)(1)(i).]

[THE JULY 17, 2012 AMENDMENT added the third sentence in (b)(1), to provide that in cases of default, the locality shall be entitled to retain the allowance for administrative costs.]

**Sec. 21-14.2 Recordation of plat as transfer of certain public utility easements to franchised cable television operators or public service corporations.**

In all subdivisions in which any franchised cable television operator shall furnish cable television or public service corporation shall furnish cable television, gas, telephone or electric service, or any of them, to the proposed subdivision, the recordation of an approved plat shall operate to transfer to such franchised cable television operator or public service corporation, such common or shared utility easements as are not located in public streets or alleys. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within thirty (30) days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include a conveyance of a common or shared easement as provided herein, the Campbell County Planning Commission, or agent designated by the Board of Supervisors to review and act on submitted subdivision plats, shall not be responsible to enforce the requirements of this section.

For state law authority, see VA. CODE ANN. §15.2-2241 at provision A6 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012) and §21-14 of this Code.

Editor's note. For case regarding certain easements dedicated to public use, etc., see Burns v. Stafford County, 226 Va. 506 (1984).

[THE 1991 ACT adopted this section.]

[THE 1991 AMENDMENT inserted "franchised cable television operator or" twice in the first sentence, inserted "franchised cable television operators furnishing cable television and/or" near the end of the second sentence and added the last sentence.]

[THE MARCH 2, 1998 AMENDMENT inserted "and franchised cable television operators" near the beginning of the second sentence and deleted "agreed to by such franchised cable television operators furnishing cable television and/or public service corporations" preceding "and recorded . . . ." near the end of the second sentence; and deleted the former fourth sentence which read: "the failure of any such franchised cable television operator to agree to the terms and conditions set out in such declaration shall not defeat or impair any such common easement conveyance."]

[THE MAY 17, 1999 AMENDMENT deleted "in fee simple" following "shall operate to transfer" in the first sentence.]

[THE JULY 6, 2004 AMENDMENT, in the second sentence, inserted a comma following "operators" and substituted "shall be conveyed" for "may be conveyed."]

[THE DECEMBER 4, 2006 AMENDMENT inserted “shall furnish cable television” following “Cable television operator” in the first sentence, deleted the former second and third sentences which had provided for conveyance by reference on the final plat to a declaration of terms and conditions of common or shared easements and which had required evidence of recordation of such terms and conditions, and added the new second and third sentences.]

**Sec. 21-15. Periodic partial and final release of certain performance guarantees.**

A. Within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any public facilities required to be constructed hereunder the Board of Supervisors shall make a periodic partial or final complete release, as applicable, of any bond, escrow, letter of credit or other performance guarantee required under preceding sections of this ordinance, unless the Board of Supervisors or the Subdivision Agent, who is hereby designated to act on behalf of the Board of Supervisors for the purpose, notifies the subdivider or developer in writing of non-receipt of approval by the Virginia Department of Transportation, or other applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty (30) day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the Board of Supervisors, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the Board of Supervisors, its administrative agency, the Virginia Department of Transportation or other political subdivision.

B. If no such action is taken by the Board of Supervisors or the Subdivision Agent within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty (30) day period and there is an additional request in writing sent by certified mail, return receipt to the County Administrator. The Board of Supervisors or the Subdivision Agent shall act within ten (10) working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider or developer.

C. After receipt of the written notices required above, if the Board of Supervisors or Subdivision Agent takes no action within the times specified above and the subdivider or developer files suit in the local circuit court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as the case may be, the circuit court, upon finding the Board of Supervisors or its Subdivision Agent was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

D. The Board of Supervisors or Subdivision Agent shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the public facilities covered by said bond, escrow, letter of credit or other performance guarantee.

E. Upon written request by the subdivider or developer, the Board of Supervisors or the Subdivision Agent shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent (90%) of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases of such lower amounts as may be authorized by the Board of Supervisors or its Subdivision Agent based upon the percentage of public facilities completed and approved by the Board of Supervisors, Subdivision Agent or Virginia Department of Transportation or other state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee. The Board of Supervisors or Subdivision Agent shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period. Upon final completion and acceptance of the public facilities, the Board of Supervisors or Subdivision Agent shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

F. For the purposes of this section, a certificate of partial or final completion of such public facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to VA. CODE ANN. §54.1-400 (Repl. Vol. 2013), or from a department or agency designated by the Board of Supervisors may be accepted without requiring further inspection of such public facilities.

For state law mandate, see VA. CODE ANN. §15.2-2241 at provision A11 (Cum. Supp. 2016) and VA. CODE ANN. §15.2-2245 (Repl. Vol. 2012).

[THE 1988 AMENDMENT substituted "Transportation" for "Highways and Transportation" in first and fourth paragraphs and "VA. CODE ANN. §54.1-400 (Repl. Vol. 1988) and "§54.1-408 (Repl. Vol. 1988)" for "§54-17.1 of the Code of Virginia (Cum. Supp. 1987)" in the last paragraph.]

[THE 1989 AMENDMENT revised language beginning "the Board of Supervisors shall make" and ending "preceding sections of the ordinance" in the first sentence of first paragraph and substituted "§54.1-400 (Repl. Vol. 1988)" for "§54.1-400 (Repl. Vol. 1988) and §54.1-408 (Repl. Vol. 1988)" in the last paragraph.]

[THE 1991 AMENDMENT inserted "and may make partial releases to such lower amounts as may be authorized by the Board of Supervisors or its Subdivision Agent" in first sentence of fourth paragraph, deleted "or after completion of more than eighty percent (80%) of said facilities" following "or other performance guarantee" in second sentence thereof.]

[THE 1992 AMENDMENT inserted the present third paragraph.]

[THE MARCH 17, 1997 AMENDMENT substituted "ninety percent (90%)" for "eighty percent (80%)" in the first sentence of the fifth paragraph.]



[THE MAY 17, 1999 AMENDMENT added subsection designations “A” through “F” to the existing paragraphs; and, in the fifth sentence in E., substituted “means” for “is deemed to mean” and deleted “for “preceding “operating such facility.”]

[THE DECEMBER 2, 2002 AMENDMENT inserted “public” or “such public” preceding “facilities” throughout section, and added the last sentence in subsection A.]

## **Division B. Other Requirements.**

### **Sec. 21-16. Monuments.**

Monuments shall be placed at no less than twenty-five percent (25%) of the total lot corners within a subdivision. Care and prudent judgment shall be exercised in deciding which corner shall receive monuments. Preference should be given to placing monuments on the beginning and end of curves along streets, and the major changes in direction of the exterior or interior lines of the subdivision. Where monuments are required they shall be a minimum of twenty-four (24) inches long and the exposed end shall be either circular, triangular or square and have a minimum surface area of sixteen (16) square inches. Monuments shall be made of concrete reinforced with a minimum of two (2) steel bars and with a two (2) inch minimum diameter aluminum brass cap with shank. The cap shall be permanently anchored in the concrete and shall be "center punched" with the accurate location of a lot corner. In lieu of a concrete monument a minimum twenty-four (24) inch long by three (3) inch diameter aluminum or brass capped metal post may be substituted. In lieu of the foregoing, monuments may be as specified in the Virginia Department of Transportation Road Designs and Standards Specification Rm-1. The final plat shall indicate the location of the monuments set. Monuments shall not be required on any plats approved by the Agent. All monuments shall be flush with finished grade. Prior to the release of the bond as provided in Section 21-15 hereof, on-site inspection shall be made to insure compliance with the terms hereof.

For state law authority, see VA. CODE ANN. §15.2-2241 at provision A7 (Cum. Supp. 2016).

[THE 1988 AMENDMENT deleted "Highways and" following "Department of" in the eighth sentence.]

### **Sec. 21-17. Plans and specifications for utility fixtures and systems to be submitted for approval.**

If the owners of any subdivision desire to construct in, on, under or adjacent to any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the Director of Public Works or Campbell County Utilities and Service Authority, who are by this section designated for the purpose, for approval. The Director of Public Works, or the Campbell County Utilities and Service Authority, as the case may be, shall have forty-five (45) days in which to approve or disapprove the same. In the event of the failure of the Campbell County Utilities and Service Authority, or the Director of Public Works, to act within such period, such plans and specifications may be submitted *after ten (10) days' notice to the Board of Supervisors of Campbell*

*County* to the Circuit Court for Campbell County for its approval or disapproval, and its approval thereof shall, for all purposes herein, be treated and considered as approval by the Campbell County Utilities and Service Authority or Director of Public Works.

For state law mandate, see VA. CODE ANN. §15.2-2269 (Repl. Vol. 2012).

Cross references: For provisions regarding private and public utilities, see Chapter 18 of this Code. For provisions regarding recordation of plat as effecting transfer of certain common or shared public utility easements to public service corporations furnishing service, see §21-14.2 of this Code.

[THE MAY 17, 1999 AMENDMENT substituted “streets or alleys” for “street or alley” and “plans or specifications” for “plans and specifications” in first sentence; and in third sentence, substituted “Board of Supervisors of Campbell County” for “Campbell County Utilities and Service Authority or the Director of Public Works,” “its” for “his” twice, and “as approval by” for “as the approval of,” and deleted “Judge of the” preceding “Circuit Court.”]

[THE AUGUST 1, 2005 AMENDMENT deleted the former second and third paragraphs, which are now set forth at §21-17.2.]

[THE DECEMBER 3, 2007 AMENDMENT added “or adjacent to” to the first sentence of this section, and substituted “forty-five (45)” for “thirty (30)” in the second sentence.]

**Sec. 21-17.1. Requirements as to water, sewer and other facilities as condition precedent to approval of subdivision plat, or of alteration thereof.**

(a) Notwithstanding other provisions of this chapter, no original plat of subdivision, or alteration of any such plat, shall be approved unless it complies with the requirements and regulations set forth in this Code and/or in the duly adopted regulations and policies of the Campbell County Utilities and Service Authority (CCUSA) as to water, sewer and other facilities. Such requirements include, but are not limited to, the following:

- (1) The water source for the subdivision shall be an approved source of supply capable of furnishing the needs of the eventual inhabitants of such subdivision proposed to be served thereby; and
- (2) The size and nature of the water and sewer and other utility mains, pipes, conduits, connections, pumping stations or other facilities installed or to be installed in connection with the proposed water or sewer systems comply with specifications set forth in this Code and/or in the duly adopted regulations and policies of the CCUSA; and
- (3) Where a public water or sewer system abuts or is adjacent to the proposed subdivision, the developer shall extend to such abutting or adjacent public water or sewer systems and connect such subdivision to such systems. Such extension of waterlines or sewerlines to the public system(s) shall be accomplished by the developer in accordance with the requirements and policies of CCUSA.

(b) Compliance with the above requirements shall be a specific condition precedent to approval of an original plat of subdivision, or alteration thereof.

For state law authority, see VA. CODE ANN. §15.2-2121 (Repl. Vol. 2012).

[THE AUGUST 1, 2005 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT deleted “the” prior to “such systems” in (a)(3), which was a scrivener’s error.]

**Sec. 21-17.2. Requirements regarding suitability for private sewage disposal system and/or private water source.**

The Planning Commission shall not approve any subdivision where sanitary sewers are not provided, that are planned for residential or public uses requiring same, unless the County Health Department has issued a statement to the effect that the area contained in the subdivision is satisfactory for the installation of individual sewage systems or subsurface sewage disposal systems and that installation will not create hazards to the public health. For single lot divisions, the plat shall contain a note regarding the intended source of sewer service as required by §21-31(b) of this Code and the subdivider assumes responsibility for ensuring the proposed lot is suitable for the intended source.

The Planning Commission shall not approve any subdivision where a private well or private wells are to be the water source, that are planned for residential or public uses requiring same, unless the Planning Commission or Agent, as the case may be, shall receive in writing from the County Health Department a statement that the proposed well location is approved and will not conflict with septic tanks and drain field locations and will not create hazards to public health. (2/2/88) For single lot divisions, the plat shall contain a note regarding the intended source of water as required by Section §21-31(b) of this Code and the subdivider assumes responsibility for ensuring the proposed lot is suitable for the intended source.

For state law authority, see VA. CODE ANN. §15.2-2242 at paragraph 2. (Cum. Supp. 2016).

[THE AUGUST 1, 2005 AMENDMENT redesignated these provisions, formerly included in §21-17, and inserted “or subsurface sewage disposal systems” in the first paragraph.]

[THE JULY 19, 2010 AMENDMENT added the last sentences to both paragraphs, deleted “nor shall the agent approve any single lot division where sanitary sewers are not provided” after “sanitary sewers are not provided” in the first paragraph, and deleted “nor shall the agent approve a subdivision where a private well or private wells are to be the water source under the single lot division provisions hereof” after “the water source” in the second paragraph.]

**Sec. 21-17.3. Applicability of CCUSA system development fee to subdivision of property; review by CCUSA; fee to be paid prior to recordation of plat.**

The subdivision of property into two or more lots, with any portion of the property adjacent to Campbell County Utilities and Service Authority (CCUSA) water or sewer lines, is subject to a system development fee (SDF), which shall be imposed in accordance with the duly adopted policy of CCUSA pursuant to the authority of VA. CODE ANN. §15.2-5114 at paragraph 10 (Repl. Vol. 2012) and 15.2-5136 (Cum. Supp. 2016). The SDF is applicable to each such lot and shall be in addition to the applicable availability fee. Subdivision plats, with accompanying plans and specifications, shall be submitted to CCUSA and reviewed to determine applicability of the SDF. The CCUSA shall determine the applicable SDF and provide a statement of the amount of the applicable SDF to the owner/developer of any affected subdivision within thirty (30) days of all necessary plats, plans, and specifications being received by the CCUSA. The appropriate SDF shall be paid to CCUSA prior to the recordation of the plat of subdivision. For the purposes of this section, “lot” shall have the same meaning as set forth in §21-2 of this Code, as may be amended from time to time, and “adjacent” shall mean “adjoining” or “next to.”

For state authority, see VA. CODE ANN. §15.2-5114 at paragraph 10 (Repl. Vol. 2012) and §15.2-5136 (Cum. Supp. 2016).

Cross reference: For requirement that plans and specifications for utility fixtures and systems be submitted for approval by local governing body or its authorized agent, see VA. CODE ANN. §15.2-2269 (Repl. Vol. 2012) and §21-17 of this Code.

[THE AUGUST 1, 2005 ACT adopted this section.]

**Sec. 21-17.4. Connection to public water or sewer system required where subdivided tract abuts or adjoins public water or sewer system or main.**

All buildings constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water or sewer system or main shall be connected to that public water or sewer system or main, in accordance with the rules, regulations, and specifications adopted by the Campbell County Utilities and Service Authority (CCUSA) and in accordance with other provisions of this Code.

For state law authority, see VA. CODE ANN. §15.2-2242 at paragraph 2 (Cum. Supp. 2016) and §15.2-2121 (Repl. Vol. 2012).

[THE AUGUST 1, 2005 AMENDMENT adopted this section.]

**Sec. 21-17.5. Standards for optional centralized on-site sewage treatment system in developments of ten or more dwelling units; exception for expansion of existing system.**

In any development of ten (10) or more dwelling units for which the owner desires to construct a centralized on-site sewage treatment system, such on-site sewage treatment system shall be designed and constructed to the applicable standards of the Campbell County Utilities and Service Authority (CCUSA). Upon completion of construction, the property owner shall establish an appropriate mechanism to fund on-going operation, maintenance, required upgrades and complete system replacement as required for such centralized on-site sewage treatment system and such system shall be turned over to CCUSA for operation. The provisions of this section shall not apply to the expansion of an on-site sewage treatment system that was in existence on the date of adoption of this section.

[THE DECEMBER 4, 2006 ACT adopted this section.]

**Sec. 21-18. Flood control; erosion control; drainage, and soil characteristics.**

The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, erosion control and drainage plans, flood control devices, information related to the failure of impounding structures and impacts within dam break inundation zones, and a survey identifying the characteristics of soils present, including, but not limited to, information regarding the presence and extent of potentially expansive soils (shrink-swell) within the area to be subdivided. The subdivider shall also provide plans for all such improvements together with a certified professional engineer's or land surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The Erosion and Sediment Control Administrator shall then approve or disapprove the plans. The subdividers will also provide any other information required by the Erosion and Sediment Control Administrator. Reference is here specifically made to Section 21-17 hereof for further approval required by the Director of Public Works.

Land subject to one hundred (100) year flooding shall not be platted unless construction is in accordance with the Virginia Uniform Statewide Building Code nor for any uses as may increase danger to health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation and shall not produce conditions contrary to public welfare.

When property platted is within or touches upon a flood plain, the developer or subdivider shall so annotate and delineate the plat, noting:

(a) This property falls within the one hundred (100) year flood plain preceding this; as shown on the current national flood insurance program firm Flood Insurance Rate Map published by the Federal Emergency Management Agency; or

(b) This property falls partially within the one hundred (100) year flood plain as shown on the current national flood insurance program firm Flood Insurance Rate Map published by the Federal Emergency Management Agency. [See §21-31(m) of this ordinance.]

For state law mandate, see VA. CODE ANN. §15.2-2241 at provision A3 (Cum. Supp. 2016) and VA. CODE ANN. §15.2-2262 (Repl. Vol. 2012).

Editor's note.--Effective 1997 amendment, a subdivider is required to provide information as to soil characteristics, particularly the presence and extent of potentially expansive soil (shrink-swell), in the area to be subdivided. This information regarding soil characteristics will enable building officials to evaluate the need for construction modifications on the proposed site.

Cross-reference.—As to maintenance responsibility for stormwater detention/retention facilities, see §§8-8.1 et seq. of this Code. For provisions requiring agreement for long-term maintenance responsibility for certain stormwater management facilities, see §21-14(a)(2) and §21-31(u) of this Code.

[THE 1991 AMENDMENT substituted "certified professional engineer's" for "certified engineer's" in second sentence in the first undesignated paragraph.]

[THE MARCH 17, 1997 AMENDMENT deleted "and" preceding "flood control devices" and added the language beginning "and a survey identifying the characteristics of soils present" in the first sentence in the first paragraph.]

[THE DECEMBER 1, 2008 AMENDMENT inserted "information related to the failure of impounding structures and impacts within dam break inundation zones" into the first paragraph, effective July 1, 2009.]

**Sec. 21-19. Payment by subdivider or developer of the pro rata share of the cost of certain off-site sewerage, water, and drainage facilities.**

(a) A subdivider or developer of land must pay the pro rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development; however, no such payment shall be required until such time as the Planning Commission has established a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located or the County Board of Supervisors has committed itself by ordinance to the establishment of such a program. Such regulations or ordinance shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage, water, and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or to the proportion of such total estimated cost which the increased sewage flow, water flow, and/or increased volume and the velocity of storm water run-off to be actually caused by the subdivision or development bears to total estimated volume and velocity of such sewage, water, and/or run-off from such area in its fully developed state. In calculating the pollutant loading

caused by the subdivision or development or the volume and velocity of stormwater runoff, the County Board of Supervisors shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefor.

(b) Payment so required shall be made to the Treasurer of Campbell County and each such payment received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established sewer, water, and drainage program; however in lieu of such payment the Board of Supervisors may provide for the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such studies or construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the bond, payment, cash escrow, or other performance guarantee.

(c) Any funds collected for pro rata programs under subsections (a) and (b) of this section prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for the project or projects for which the funds were collected and any interest from such accounts shall continue to accrue to the benefit of the subdivider or developer until such time as the project or projects are completed or until such time as a general sewer and drainage improvement program is established to replace a prior sewer and drainage improvement program. If such a general improvement program is established, the Board of Supervisors may abolish any remaining separate accounts and require the transfer of the assets therein into a separate fund for the support of each of the established sewer, water, and drainage programs. Upon the transfer of such assets subdividers and developers who had met the terms of any existing agreements made under a previous pro rata program shall receive any outstanding interest which has accrued up to the date of transfer, and such subdividers and developers shall be released from any further obligation under those existing agreements. All bonds, payments, cash escrows or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within twelve years from the date of the posting of the bond, payment, cash escrow or other performance guarantee.

For state law mandate, see VA. CODE ANN. §15.2-2243 (Repl. Vol. 2012).

[THE 1988 AMENDMENT, in the first paragraph, substituted "sewerage, water, and drainage" for "sewerage and drainage" in the first and second sentences, "standards to determine the proportionate" for "standard to determine their proportionate" in the second sentence, inserted "water flow" in third sentence, and inserted "water" preceding "and/or run-off" near end of that sentence.]

[THE 1991 AMENDMENT designated provisions as (a) and (b), and added new (c); and, in first clause of first sentence in (a), inserted "or developer" preceding "of land must pay," substituted "controlled by the subdivider or developer" for "controlled by him"]

once and “the” for “his” or “him” several times in the last sentence in (a); and, in first sentence of (b), substituted “required” for “received,” inserted “such” preceding “payment received,” deleted “held in a separate account and” preceding “expended only,” and substituted “identified in the established sewer, water, and drainage program” for “for which the payment was required, and until so expended shall be held in a special interest bearing account for the benefit of the subdivider or developer;” and added the second sentence in (b).]

[THE MARCH 17, 1997 AMENDMENT, in (a), inserted “or the County Board of Supervisors has committed itself by ordinance to the establishment of such a program” in first sentence, inserted “or ordinance” in second sentence, and added fourth sentence; in (b), inserted “necessary engineering and related studies and” in first clause in first sentence and “studies or” near end of second clause therein; and added third sentence; and, in (c), deleted former last sentence which read: The transferred assets shall be the sole property of the County which established the general improvement program,” and added the last sentence.]

[THE MAY 17, 1999 AMENDMENT, in (a), substituted “cost” for “costs” in first, second, and third sentences, “has established” for “shall have established” in the first sentence, and “to adequately serve” for “adequately to serve” in second sentence.]

[THE DECEMBER 3, 2001 AMENDMENT, in (a), inserted “to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or” in the third sentence and inserted “the pollutant loading caused by the subdivision or development or” in the last sentence.]

#### **Sec. 21-19.1 Payment by developer or subdivider.**

(a) If the Department of Conservation and Recreation determines that a plan of development proposed by a developer or subdivider is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure pursuant to VA. CODE ANN. §10.1-606.3 (Repl. Vol. 2012), prior to final approval of a subdivision or development by Campbell County, a developer or subdivider of land shall submit an engineering study in conformance with the Virginia Soil and Water Conservation Board’s standards under the Virginia Dam Safety Act (VA. CODE ANN. §10.1-604 et seq. (Repl. Vol. 2012) and the Virginia Impounding Structure Regulations (4 VAC 50-20). The study shall provide a contract-ready cost estimate for conducting the upgrades. The Department of Conservation and Recreation shall verify that the study conforms to the Board’s standards. Following receipt of a study, the Department shall have 15 days to determine whether the study is complete. The Department shall notify the developer or subdivider of any specific deficiencies that cause the study to be determined to be incomplete. Following a determination that a submission is complete, the Department shall notify the developer or subdivider of its approval or denial within 45 days. Any decision shall be communicated in writing and shall state the reasons for any disapproval.

(b) Following the completion of the engineering studies in accordance with subsection (a), and prior to any development within the dam break inundation zone, a developer or subdivider of land shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding



structure attributable to the development or subdivision, together with administrative fees not to exceed one percent of the total amount of payment required or \$1,000, whichever is less. Necessary upgrades shall not include costs associated with routine operation, maintenance, and repair, nor shall necessary upgrades include repairs or upgrades to the impounding structure not made necessary by the proposed development or subdivision.

(c) Where a payment under subsection (b) is required, such payment shall be made by the developer or subdivider in accordance with the following provisions:

(1) Campbell County may elect to receive such payment. Upon receipt, payments shall be kept in a separate account by the County for each individual improvement project until such time as they are expended for the improvement project; however, any funds not committed by the dam owner within six years of the time of deposit shall be refunded to the developer or subdivider. The County may issue an extension of up to an additional four years for the use of the funds if the dam owner shows that sufficient progress is being made to justify the extension and the extension is approved by the Virginia Soil and Water Conservation Board prior to the expiration of the six-year period. Should Campbell County be unable to locate the developer or subdivider following a period of 12 months and the exercise of due diligence, the funds shall be deposited in the Dam Safety, Flood Prevention and Protection Assistance Fund for the provision of grants and loans. Any locality maintaining an account in accordance with this section may charge an administrative fee, not to exceed one percent of the total amount of payment received or \$1,000, whichever is less.

(2) If Campbell County elects not to receive such payment, any payments shall be made to the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to VA. CODE ANN. §10.1-603.19:1 (Repl. Vol. 2012). The funds shall be held by the Virginia Resources Authority for each improvement project until such time as they are expended for the improvement project; however, any funds not committed by the dam owner within six years of the time of deposit shall be refunded to the developer or subdivider. The Board may issue an extension of up to an additional four years for the use of the funds if the dam owner shows that sufficient progress is being made. Should the Department of Conservation and Recreation be unable to locate the developer or subdivider following a period of 12 months and the exercise of due diligence, the funds shall be deposited in the Dam Safety, Flood Prevention and Protection Assistance Fund for the provision of grants and loans. The Virginia Resources Authority shall not have any liability for the completion of any project associated with the moneys they manage in the Dam Safety, Flood Prevention and Protection Assistance Fund.

(d) Campbell County shall not be required to assume financial responsibility for upgrades except as an owner of an impounding structure.

(e) The owner of the impounding structure shall retain all liability associated with upgrades in accordance with VA. CODE ANN. §10.1-613.4 (Cum. Supp. 2016).

For state law mandate, see VA. CODE ANN. §15.2-2243.1 (Repl. Vol. 2012).

[THE DECEMBER 1, 2008 ACT enacted this section, *effective July 1, 2009.*]

## **Sec. 21-20. Lot size and location.**

In compliance with the Zoning Ordinance enacted in Campbell County, with respect to lot size and setback, all lots in any subdivision shall be arranged in such fashion as to maximize access to such lots by police and fire and other emergency vehicles, to provide adequate light and air, and so as to minimize traffic congestion and better promote the public health, safety and welfare. The minimum lot sizes required under this Subdivision Ordinance shall be those minimum lot sizes required in each zoning classification district, unless a specific exception is prescribed for a particular zoning district.

Greater lot areas may be required when individual septic tanks or individual wells are used, if the Health Department determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The Planning Commission may require that data from appropriate tests be submitted as a basis for passing upon subdivisions dependent upon individual sewage systems as the means of sewage disposal, all subject to the requirements set forth by the State Department of Health.

In the event of conflict between the minimum lot sizes herein set forth and any other statute, ordinance, rule, or regulation of any state or local governmental body or political subdivision thereof, the most restrictive minimum lot size requirement shall apply. (9-5-89)

For state law authority, see VA. CODE ANN. §15.2-2241 (Cum. Supp. 2016) and §15.2-2283 (Repl. Vol. 2012). For state law mandating last paragraph herein, see VA. CODE ANN. §15.2-2315 (Repl. Vol. 2012).

Cross reference: For provisions regarding private and public utilities, see Chapter 18 of this Code.

[THE 1988 AMENDMENT substituted "Transportation" for "Highways and Transportation" in paragraphs (a) and (c) and for "Highways and Transportation" at end of second sentence of paragraph (b).]

[THE 1989 AMENDMENT deleted "and in all areas zoned" preceding "with respect to" in introductory paragraph, substituted present last sentence in that paragraph for "The following lot sizes shall be required:" and deleted former paragraphs (a), (b), and (c) which formerly followed said introductory paragraph and which concerned minimum lot sizes for lots served by public water and sewer, lots served by public water or public sewer, and lots served by neither public water nor public sewer.]

[THE MARCH 17, 1997 AMENDMENT inserted second sentence in first paragraph.]

[THE MARCH 2, 1998 AMENDMENT added "unless a specific exception is prescribed for a particular zoning district" in the last sentence in the first paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted "sewage" for "sewerage" twice in the second sentence in the second paragraph.]

[THE JULY 19, 2010 AMENDMENT added “to provide adequate light and air” to the first sentence in the first paragraph, and deleted “Furthermore, the provision of adequate light and air within a subdivision shall be a significant factor to be considered in setting lot size and setback requirements and in arranging lots within a subdivision.” from the first paragraph.]

#### **Sec. 21-21. Blocks and length.**

The recommended maximum length of blocks shall be one thousand two hundred (1,200) feet. Exceptions may be permitted by the Planning Commission in writing giving the reasons therefor, and these reasons shall be made a part of the permanent application record.

For state law authority, see VA. CODE ANN. §15.2-2241 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2280 (Repl. Vol. 2012).

### **Division C. Minor Subdivisions.**

#### **Sec. 21-22. Non-family minor subdivisions.**

The agent shall be vested with the authority to, and shall, approve and permit the separation of up to five (5) parcels from a tract of land if no new streets as required to be established under Sections 21-11 and/or 21-12 and 21-13 hereof, are required to serve the parcels, the lot size is standard under the criteria established for each respective zoning district by Chapter 22 of this Code, the required certifications have been approved by the appropriate agent(s) for the separation of more than one (1) parcel, and the plat conforms to the requirements of Article V hereof. This procedure may be followed only once for any tract of land.

[THE 1989 AMENDMENT substituted "for each respective zoning district by Chapter 22 of this Code" for "in Division B of this Article."]

[THE JULY 5, 2016 AMENDMENT substituted “up to five (5)” for “one (1)” and added “the required certifications have been approved by the appropriate agent(s) for the separation of more than one (1) parcel” in the first sentence and changed the catchline by substituted “minor subdivisions for “single lot divisions.”]

#### **Sec. 21-23. Family divisions.**

The agent shall be vested with the authority to, and shall, approve and permit the separation of a lot or parcel from a tract of land for the purpose of sale or gift to a member of the immediate family of the property owner, including the family member’s spouse, provided that that, in the case of lots of less than five acres, such lots shall have reasonable right-of-way of not less than ten (10) feet or more than twenty (20) feet providing ingress and egress to a dedicated recorded public street or thoroughfare. However, in all cases, the lot size shall be standard under the criteria established

for each respective zoning district by Chapter 22 of this Code unless a specific exception is prescribed for a particular zoning district, and the plat shall meet the requirements of Article V of this ordinance. Only one such division shall be allowed per family member as herein defined, and shall not be for the purpose of circumventing this subdivision ordinance. For the purpose of this section only, a member of the immediate family is defined as any person who is the natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner. (9/8/87, 10/13/87)

For state law mandate, see VA. CODE ANN. §15.2-2244 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2241 at provision A10 (Cum. Supp. 2016).

[THE 1987 AMENDMENT rewrote the first sentence and rewrote the former last phrase of that sentence as the present second sentence.]

[THE 1989 AMENDMENT substituted "for each respective zoning district by Chapter 22 of this Code" for "in Division B of this Article" in the second sentence and increased the road frontage requirement from twenty to thirty feet.]

[THE 1991 AMENDMENT inserted "grandchild, grandparent" in the last sentence.]

[THE OCTOBER 6, 1997 AMENDMENT inserted "sibling" in the last sentence.]

[THE MARCH 2, 1998 AMENDMENT inserted "unless a specific exception is prescribed for a particular zoning district" in the second sentence.

[THE MAY 17, 1999 AMENDMENT substituted "per family member" for "to be made by the property owner for each family member" in the third sentence.]

[THE DECEMBER 1, 2008 AMENDMENT inserted "stepchild" into the definition of immediate family member in the last sentence of the section.]

[THE JULY 19, 2010 AMENDMENT added "including the family member's spouse" in the first sentence and deleted "in the case of lots of five acres or more, no new streets of less than forty (40) feet in width are required to serve the parcel, or such parcel abuts for a distance of thirty (30) feet on a street within the secondary system of state highways, or provided" from the first sentence.]

[THE JULY 5, 2016 AMENDMENT deleted "single lot" from the catchline of the section.]

**Sec. 21-23.1. Reserved.**

## **Division D. Street, Road, and Alley Names.**

### **Sec. 21-24. Approval of names of streets, roads, and alleys required; renaming; effect thereof.**

Names of streets, roads, and alleys shall be subject to final approval by the Subdivision Agent, who shall notify the Planning Commission of such designations. No names shall be used which duplicate or which are likely to be confused with names of existing streets, roads, or alleys. Such signs shall be installed at the developer's expense and shall conform to the standards provided by the Virginia Department of Transportation with regard to the type of lettering and posts to which the signs are affixed and to such other requirements as may be prescribed in Chapter 5, sections 5-14 through 5-22 and Appendices of this Code. To avoid duplication, a list of proposed street, road, and alley names shall be prepared by the developer and submitted to the Agent for review and coordination prior to the preparation of a plat for final submission. Approved street, road, alley, etc. names must be shown on each development plan or subdivision plat.

The renaming of any street, road, or alley shall be subject to final approval by the Planning Commission in accordance with the provisions of §5-19(d) of this Code. Renaming streets, roads, and alleys on site plans or subdivision plats previously recorded and filed in a circuit court clerk's office shall not cause vacation of such site plans or subdivision plats. The locality may forward a certified copy of the action effecting such name change to the clerk of the circuit court in which the site plan or subdivision plat is recorded or filed. Upon receipt, the clerk shall (i) file the certified copy and note the name change on the site plan or subdivision plat affected or (ii) record the certified copy.

For state law authority, see VA. CODE ANN. §15.2-2019 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2241 at provision A2 (Cum. Supp. 2016) and VA. CODE ANN. §15.2-2000 A (Cum. Supp. 2016).

Editor's note.--For current detailed provisions regulating street naming, signing, and structure numbering, see Article III of Chapter 5 of this Code, with particular attention to §5-18 et seq.

[THE 1988 AMENDMENT substituted "Transportation" for "Highways and Transportation" in the third sentence.]

[THE MAY 17, 1999 AMENDMENT substituted "Names of streets, roads, and alleys" for "Street names" and inserted "final" in first sentence; substituted "streets, roads, or alleys" for "street or streets" in second sentence; substituted "Such signs" for "Street name signs" and added language "and to such other . . ." in third sentence; substituted "street, road, or alley" for "street" in fourth sentence; and added the fifth sentence.]

[THE AUGUST 7, 2000 AMENDMENT, in the first paragraph, substituted "Subdivision Agent, who shall notify the Planning Commission of such designations" for "Planning Commission" at the end of the first sentence and deleted "Planning Commission or" preceding "Agent" in fourth sentence; and added the second paragraph.]

[THE DECEMBER 1, 2015 AMENDMENT substituted "Chapter 5, sections 5-14 through 5-22 and Appendices" for "Article IV of Chapter 10" in the first paragraph.]

**Sec. 21-25. Reserved.**

Cross-reference.--For County guidelines re naming of streets, etc., see Appendices immediately following text of Chapter 5 of this Code.

[THE NOVEMBER 2, 1992 AMENDMENT repealed this section which had provided a procedure for approval of street names.]

**Article IV. Special Requirements for Commercial,  
Industrial and Multi-Family Divisions.**

**Sec. 21-26. Special requirements for commercial, industrial and multi-family divisions.**

**A. Plat Required.** Prior to the subdivision of any land for commercial, industrial, or multi-family development, subject to the Virginia Condominium Act, a plat shall be submitted to and approved by the Planning Commission. The plat shall meet all the requirements of any other provisions of this Chapter for plats and, in addition, shall meet the hereinafter provided special requirements.

**B. Streets and Access.** All streets within a development subject to this Article shall meet the following requirements:

(1) The plat or site plan shall show all present or future intended means of ingress and egress to and from each lot in the development, together with all streets connecting the development to the primary system of state highways or the secondary system of state highways. When requested by VDOT or the Planning Commission, the developer will be required to provide present and anticipated traffic data and the Planning Commission must be satisfied that the proposed development is served by sufficient streets so as to give each lot or building adequate access and at the same time protect the public health, safety and welfare by avoiding undue congestion on surrounding streets.

(2) All streets within a development subject to this Article are required to be constructed to VDOT standards and accepted into the secondary system of state highways unless such streets are of a type not eligible for acceptance, in which case the Planning Commission may approve privately maintained streets within the development. Such streets shall be clearly marked on the plat with all notations regarding maintenance required by §21-31(s) of this Code. Privately maintained streets shall be designed and constructed according to the then current VDOT requirements and specifications including, but not limited to, traffic circulation patterns, street pavement dimensions, sidewalks, curbs and gutters (if provided) and curb cuts as evidenced by a certification from the licensed engineer preparing the plans. Any deviation from VDOT requirements and specifications must be approved by the Planning Commission prior to final plat approval.

**C. Utilities and Drainage.**

(1) All buildings requiring utilities shall be connected to water and sewerage systems approved by the Health Department and/or Campbell County Utilities & Service Authority. The plat or site plan shall show all present and proposed or intended sources of water and sewer for each lot. The intended water and sewer sources shall be adequate to ensure the public health, safety and welfare.

(2) The site storm drainage system shall be discharged directly into an adequate natural or manmade receiving channel, pipe or storm sewer system. On-site detention and retention of stormwater is encouraged provided that it is in compliance with the requirements of the Code of Virginia and the Virginia Stormwater Management Handbook and The Virginia Erosion and Sediment Control Handbook.

**D. Preservation and maintenance of common areas in townhouse or condominium developments.** In the event that a townhouse or condominium development includes plans for designated common areas, the subdivision plat and all approved deeds of subdivision, or similar instruments, when presented for final approval, shall contain the following statement, attested to by the owner of each unit:

“The undersigned understand(s) that all common areas shall be preserved for their intended purpose as expressed in the approved subdivision plat or condominium documents. The responsibility of preservation and maintenance shall be placed in the ownership and control of a not-for-profit association capable of providing adequate maintenance, administration and operation of said land and improvements, and the association shall secure adequate liability insurance on the common areas.”

Witness the following signature the (Date) day of (Month), (Year), signed (Owner's signature), (Print Name).

All common areas shall be preserved for their intended purpose as expressed in the approved subdivision plat or condominium documents. The preservation and maintenance of all common areas within the townhouse or condominium development shall be in accordance with the following requirements:

(1) All deeds shall include appropriate restrictions to ensure that common areas are permanently preserved according to the subdivision plat or condominium documents. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition. All deeds shall ensure the ability of the not-for-profit association, corporation, trust or foundation, to enforce appropriate proportionate maintenance fees against each unit by placement of a lien thereon which may be foreclosed in the event of default in payment.

(2) All common areas shall be specifically included in the development schedule and be constructed and fully improved by the developer or declarant.

(3) All common areas shall be placed in the ownership and control of a not-for-profit association capable of providing adequate maintenance.

(4) The developer or declarant shall establish a not-for-profit association, corporation, trust or foundation of all individuals or corporations owning property within the townhouse or condominium development to insure the maintenance of common areas. Said organization shall conform to the following requirements:

a. The developer or declarant must establish the organization prior to the sale of any lot or property and shall relinquish control of said organization when three-fourths of the units are sold and when voted upon by the membership of the organization, in the case of townhouses or in accordance with the Condominium Declaration and the Virginia Condominium Act in the case of condominiums.

b. Membership in the organization shall be mandatory for all property owners, present and future, within the townhouse or condominium development, and the organization shall not discriminate in its members or shareholders.

c. The organization shall manage all common areas within the townhouse or condominium development, shall provide for the maintenance, administration and operation of said land and improvements and shall secure adequate liability insurance on the common areas.

d. Notwithstanding anything in this Chapter to the contrary, the organization, in the case of condominiums, shall conform to the Virginia Condominium Act, found in VA. CODE ANN. §55-79.39 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

For state law authority, see VA. CODE ANN. §15.2-2241 at provisions A3 and A4 (Cum. Supp. 2016), VA. CODE ANN. §15.2-2242 at provision 2. (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012), VA. CODE ANN. §33.2-310 (Repl. Vol. 2014), VA. CODE ANN. §15.2-2027 (Repl. Vol. 2012), VA. CODE ANN. §33.2-324 (Repl. Vol. 2014), and VA. CODE ANN. §55-79.43 (Repl. Vol. 2012).

Cross-reference.-- For provisions regarding requirements for utility fixtures/systems, requirements as to water, sewer and other facilities as condition precedent to approval of subdivision plat, and other requirements regarding connection to public water or sewer system, see §21-17 et seq. of this Code, and also Chapter 18 of this Code. For state law provisions regarding Primary System of State Highways or State Highway System, see VA. CODE ANN. §33.2-310 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016). For state law provision as to Secondary System of State Highways, see VA. CODE ANN. §33.2-324 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016). For current detailed provisions regulating street naming, signing, and structure numbering, see Article III of Chapter 5 of this Code, with particular attention to §5-18 and §5-19, and the Appendices at the end of Chapter 5 of this Code; see also §21-24 of this Code.

[THE 1988 AMENDMENT substituted "secondary system of state highways" for "secondary highway system" at the end of the first sentence in E.]



[THE JULY 19, 2010 AMENDMENT consolidated this section, formerly titled “Special requirements for industrial parks and sites” with former sections 21-27 and 21-28, titled “Special requirements for commercial subdivisions” and “Special requirements for multi-family dwellings” respectively, and moved the definitions formerly contained within to the definitions section of this chapter at 21-2.]

**Sec. 21-27. Reserved.**

**Sec. 21-28. Reserved.**

**Article V. Requisites for Plat.**

**Sec. 21-29. Plat to be prepared by certified professional engineer or land surveyor.**

Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer, or land surveyor, as defined in Chapter 4 of Title 54.1 of the Code of Virginia (Repl. Vol. 2013 and Cum. Supp. 2016), who shall endorse upon each plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated on the plat. However, nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans, or plats of a proposed subdivision by the owner of the land, city planners, land planners, architects, landscape architects, or others having training or experience in subdivision planning or design. [See §21-31(e) of this Ordinance.]

For state law mandate, see VA. CODE ANN. §15.2-2262 (Repl. Vol. 2012).

[THE 1988 AMENDMENT substituted "Chapter 4 of Title 54.1" for "Chapter 3 of Title 54" in the first sentence.]

[THE MAY 17, 1999 AMENDMENT substituted “each plat” for “each such plat” in first sentence; divided former second sentence into present second and third sentences by substituting “indicated on the plat” for “indicated on such plat; provided,” in present second sentence and deleting “that” following “However” in third sentence; and inserted “city planners” in third sentence.]

**Sec. 21-30. General requirements of plats.**

It is the preference of the Planning Commission that to the greatest extent practicable, all preliminary plats shall be at a scale of not less than one (1) inch equal two hundred (200) feet and

shall be of one sheet if practical. The plat, if at all practicable, shall include not less than the following:

(a) Name of subdivision (not duplicating the name of an existing subdivision), names and addresses of owner(s) of record, subdivider and person or firm responsible for preparation of preliminary plat, date of drawing, number of sheet, north arrow and scale.

(b) A boundary survey or survey of record, including map book and page reference, locating and identifying adjacent land owners or abutting streets and property lines (whether the same be platted or not), subdivisions, unsubdivided parcels, easements, water areas and the like and all visible natural monuments.

(c) Location and identification of existing features or improvements within the tract, including streets, structures, water areas by type (including areas subject to frequent inundation), and location and identification of easements, including utilities. When any part of the land subdivided lies in a drainage district, such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land subdivided, such grave, object or structure shall be identified on such plat.

(d) Location, identification and widths of proposed streets, alleys and visible easements.

(e) Location of lot lines, with dimensions.

(f) Location and dimensions of all parcels proposed to be dedicated to public use or reserved for common use by occupants of the subdivision, with conditions or restrictions, if any, of such dedications or reservations.

(g) A statement with respect to the source and availability of intended water and sewer supply.

(h) A small scale location map showing the location of the property to be subdivided with reference to roads within the secondary system of state highways or other significant natural or manmade monuments.

For state law authority, see VA. CODE ANN. §15.2-2241 at provision A1 (Cum. Supp. 2016), VA. CODE ANN. §15.2-2258 (Repl. Vol. 2012), and VA. CODE ANN. §15.2-2260 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2242 at provision 2. (Cum. Supp. 2016).

Editor's note: For current provisions of this Code regulating street naming, signing, and structure numbering, see Article III of Chapter 5 of this Code.

[THE 1988 AMENDMENT substituted "within the secondary system of state highways" for "with the State's Secondary Highway System" in paragraph (i).]

[THE 1989 AMENDMENT added the last two sentences in paragraph (c).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision” into subsection (c), effective July 1, 2009.]

[THE JULY 19, 2010 AMENDMENT deleted former subsection (g), which had outlined detailed map requirements, and renumbered the other subsections.]

### **Sec. 21-31. Requirements of final plats.**

All plats submitted for final approval shall comply with the terms of the Virginia Public Records Act which is found at VA. CODE ANN. §42.1-76 et seq. (Repl. Vol. 2013 and Cum. Supp. 2016), and such regulations as may be promulgated from time to time under authority of the aforesaid Virginia Public Records Act.

The final subdivision plat shall be prepared in ink on an approved durable tracing medium at a scale of no smaller than one (1) inch equals two hundred (200) feet or such larger scale as the Planning Commission may require. The plat shall be presented for final approval in sizes no smaller than 8 1/2" x 11" nor larger than 18" x 24," except that the provisions of the Virginia Public Records Act as to size of plats shall specifically supersede this size requirement when said provisions are made. The background quality for paper shall be uniformly white, smooth in finish, unglazed, and free of visible watermarks or background logos. The color of the original inscription shall be black and be solid, uniform, dense, sharp and unglazed. Signature shall be in dark blue or black ink. When more than one sheet is required, all sheets shall be numbered and of the same size, with match marks to guide preparation of composite maps, and an index map on a sheet of the same size as the sectional map shall be filed, which shall show, among other things, sectional map numbers, all lot and block numbers, and street names. In addition, a small scale location map showing the property shall be required, of the same type required by subparagraph (i) of Section 21-30 hereof. The final plat shall show the following data, and shall be completed and processed as indicated:

- (a) Subdivision name, date plat was prepared, graphic scale and north arrow.
- (b) Signature and seal of a land surveyor or certified professional engineer, if incident to the practice of engineering, licensed under the provisions for Chapter 4 of Title 54.1 of the Code of Virginia (Repl. Vol. 2013 and Cum. Supp. 2016) setting forth the location of all existing stormwater best management practices and drainage easements, if any; a statement with respect to the source and availability of intended water and sewer supply and type of treatment (private, public utility or septic tank).
- (c) All linear and angular dimensions for locating boundaries of the subdivision, lots, streets, alleys and public and private easements. Linear dimensions shall be expressed in feet and hundredths of a foot. Angular measurements shall be expressed by bearings. All curve data shall be expressed on the face of the plat, each curve being tabulated and numbered to correspond with the respective curves shown throughout the plat. Dimensions, both linear and angular, shall be

determined by an accurate control survey in the field which shall be checked for closure and must balance and close within one (1) foot to ten thousand (10,000) feet. Engineered plans shall be provided on all new streets and underground utilities as required by the Planning Commission. The Planning Commission may require such office and field checks as are necessary to assure the accuracy of the plat.

(d) Description and location of all monuments.

(e) The boundary of the property being subdivided, names of all proposed streets and boundaries of all property within the subdivision intended to be dedicated to public use. In re-subdivisions of existing recorded lots, existing lot lines shall be shown by dotted lines and re-subdivisions by full lines. The map book or deed book and page number of last instrument in the chain of title to the property being subdivided shall be specified in the certificate of the certified professional engineer or land surveyor as required by §21-29 of this Ordinance.

(f) Exact lengths and bearings of boundary lines of blocks, public grounds, streets, alleys and existing locations of all easements.

(f-1) When any grave, object or structure marking a place of burial is located on the land subdivided, such grave, object or structure shall be identified on the plat.

(g) Exact widths of all easements, streets and alleys.

(h) Angles of departure of adjoining property, street and alley lines, with names of abutting recorded subdivisions. Unsubdivided abutting acreage property shall be designated by the names of owners with deed book and page number references.

(i) Widths and names of abutting or adjoining roads, streets and alleys.

(j) Tie of lot to exterior boundary of existing tract, or a corner with an adjoining land owner of existing tract. The first priority will be a bearing and distance tie to closest corner of adjoining or existing tract. When this is not possible or practical a distance tie preferably along right-of-way will be accepted.

(k) Exact length and bearing of all lot lines, provided that where lines of any rectangular tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines thereof.

(1) Designations of sections, blocks and lots shall be shown on all finished plats in the following manner:

(1-1) If the final plat consists of one section of a proposed larger subdivision, then the section numbers shall run consecutively throughout the several sections of the entire subdivision and each section shall be designated by a number.

(1-2) Blocks shall run consecutively throughout each section and each block shall be designated by a number.

(1-3) Lots shall run consecutively throughout each block and shall be designated by a number.

(1-4) Lot numbers shall be placed at the rear property line and the street name shall be placed parallel to the front lot lines, and house numbers as required by the U. S. Post Office and coordinated by the Agent's office shall be put on the plat.

(m) All plats of property abutting on or containing any natural or artificial bodies of water shall show the high water lines and the current one hundred (100) year flood plain as shown on the National Flood Insurance Program Rate Map (FIRM) published by the Federal Emergency Management Agency and where such lines are intersected by lot and block lines, and shall contain the appropriate annotation required by Section 21-18 of this ordinance. When any part of the land subdivided lies in a drainage district, such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision.

(n) A place shall be prepared to receive the signature and seal of the Clerk of the Circuit Court as follows:

"This map was recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia, on the (Day) day of (Month), (Year). This map was received and admitted to record in Plat Cabinet \_\_ at Page \_\_.

Teste           (Signature)          ."

(o) All signatures shall be in durable dark blue or black ink.

(p) Signature lines shall be provided as needed for approving authorities for the Department of Transportation, Health Department, Campbell County Utilities & Service Authority, Erosion and Sediment Control Administrator, and Subdivision Agent.

(q) Owner's Statement:

Every plat or deed of dedication to which the plat is attached, shall contain, in addition to the professional engineer's or land surveyor's certificate, the following statements in the general form shown, signed by the owner(s), proprietor(s), and trustees, if any, and duly acknowledged before an officer authorized to take acknowledgment of deeds.

(q-1) The platting or dedication of the following described land           (Name of subdivision)           is with the free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, if any. The owners certify that they are the fee simple owners of said land and are legally entitled to subdivide the same. With the exception of temporary construction easements and common or shared public utility easements as contemplated by §21-14.2 of this Code, and in accordance with the provisions of VA. CODE ANN. §15.2-2265, the undersigned acknowledge that the act of approval of the Planning Commission and recordation of this plat shall operate to transfer, in fee simple, to Campbell County such portion of the premises platted as is on this plat set apart for streets, alleys or other public use and transfer to Campbell County any easement indicated on this plat to create a public right of passage over the land and

shall operate to transfer to Campbell County, or to such association or public authority as the County may provide, such easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the County may require. When the Campbell County Planning Commission, or Agent, as the case may be, approve in accordance with this Ordinance a plat or replat of land, then upon the recordation of the plat or replat in the Clerk's Office of Campbell County all rights-of-way, easements or other interests of the County in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by Campbell County by condemnation, by purchase for valuable consideration and evidenced by separate instrument of record, or streets, alleys and easements for public passage subject to the provisions of VA. CODE ANN. §15.2-2270 (Repl. Vol. 2012), VA. CODE ANN. §15.2-2271 (Repl. Vol. 2012) or VA. CODE ANN. §15.2-2272 (Repl. Vol. 2012) shall not be affected thereby.

(q-2) Witness the following signatures this (Date) day of (Month), (Year).

Signed (Owner's Signature).

(r) The developer of any new division of land, other than single lot and family divisions in accordance with the provisions of §21-22 and §21-23 hereof, which involves the development of streets, if the land subdivided lies within a street lighting district, shall submit a street lighting plan to be made a part of the final subdivision plat which is submitted for approval to the Planning Commission.

(s) In the event that streets in a subdivision will not be constructed to meet the standards necessary for inclusion in the secondary system of state highways or for state street maintenance moneys paid to municipalities, the subdivision plat and all approved deeds of subdivision, or similar instruments, when presented for final approval, shall contain the following statement, attested to by the owner of each lot:

"The undersigned understand(s) that the streets in the subdivision do not meet state standards and will not be maintained by the Department of Transportation or Campbell County and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. The undersigned certify (certifies) that in the event streets dedicated on this plat are to be constructed to current standards of the State Department of Transportation, all cost of the improvements shall be at the owner of record's cost, and no public funds shall be used to construct such streets. The undersigned further understand(s) that no services provided by the County and State regarding streets constructed to Department of Transportation standards will be provided to such lots."

Witness the following signature the (Date) day of (Month), (Year), signed (Owner's signature), (Print Name).

(t) For plats showing timber easements, see §21-14.1(c) of this Code.

(u) All plats of property containing stormwater best management practices, drainage easements, or other stormwater infrastructure required by Chapter 8 of this Code and for which a long-term maintenance agreement is required by §8-16 of this Code shall set forth the location of such existing stormwater best management practices and infrastructure. In addition, the plat shall

include the following statement in the general form shown, signed by the owner(s)/developer(s) and trustees, if any, and duly acknowledged before an officer authorized to take acknowledgements for deeds:

“The Stormwater Management Agreement, executed on the \_\_\_\_ day of (month), (year), by and between \_\_\_\_\_ (owner(s)/developer(s)), and the Board of Supervisors of Campbell County, Virginia, and recorded in Deed Book \_\_\_\_, at page \_\_\_\_ among the land records of Campbell County, prescribing the owner’s/developer’s responsibility for long-term maintenance of a stormwater detention or retention basin or facility on the property platted, shall constitute a covenant running with the land and shall be binding on the owner/developer, its administrators, executors, assigns, heirs, and any other successors in interest.

“Witness the following signature(s) this \_\_\_\_ day of (month), (year), signed (owner/developer signature(s)).”

(v) For plats involving property in more than one locality, the boundary line separating the localities shall be clearly marked, and the acreage contained in each jurisdiction shall be noted on the plat for each lot divided.

For state law authority for this section, see VA. CODE ANN. §15.2-2241 (Cum. Supp. 2016), VA. CODE ANN. §15.2-2242 at provision 3. (Cum. Supp. 2016), VA. CODE ANN. §15.2-2262 (Repl. Vol. 2012), VA. CODE ANN. §15.2-2264 (Repl. Vol. 2012), VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012); see also VA. CODE ANN. §15.2-2258 (Repl. Vol. 2012), VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012), VA. CODE ANN. §15.2-1201 (Repl. Vol. 2012), and VA. CODE ANN. §15.2-2404 et seq. (Repl. Vol. 2012).

Cross-reference.—See VA. CODE ANN. §15.2-2265 (Repl. Vol. 2012), (the statutory basis for paragraph (q-1) of this section), as to statutory limitation on certain public dedications such that “Nothing in this section shall obligate the locality, association or authority to install or maintain such facilities unless otherwise agreed to by the locality, association or authority.” For provisions regarding relocation of certain public easements by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of the County, see VA. CODE ANN. §15.2-2265 and §21-14 of this Code.

In Re: long-term maintenance of stormwater management facilities required by Chapter 8 of this Code: For long-term maintenance requirements, responsibility for operation and maintenance of such facilities, and requirement of legally-binding agreement between owner/developer and County regarding long-term responsibility of owner/developer and providing that such agreement shall constitute covenant running with the land, see §8-8.1, §8-8.2, and §8-8.3 of this Code. See also §21-14 of this Code.

[THE 1987 AMENDMENT substituted “8 1/2” x 11” nor larger than 18” x 24”” for “8 1/2” x 14” nor larger than 18” x 23”” in second sentence of the second undesignated paragraph; inserted new third, fourth and fifth sentences in that paragraph; and inserted “dark blue or black” in paragraph (o) and deleted “all” and added “for the Department of

Transportation, Health Department, Campbell County Utilities & Service Authority, Erosion and Sediment Control Administrator, and Subdivision Agent" in subsection (p).]

[THE 1988 AMENDMENT added "and such regulations as may be promulgated from time to time under authority of the aforesaid Virginia Public Records Act" in the first undesignated paragraph; substituted "on an approved durable" for "or an approved durable" in first sentence of the second undesignated paragraph; substituted "Chapter 4 of Title 54.1" for "Chapter 3 of Title 54" in paragraph (b), substituted "one (1) foot to ten thousand (10,000) feet" for "one (1) to ten thousand (10,000)" in the fifth sentence of paragraph (c); substituted "in" for "and" preceding "the land included on the plat or replat" in the last sentence in paragraph (q-1) and substituted "Transportation" for "Highways and Transportation" twice in paragraph (s).]

[THE FIRST 1989 AMENDMENT substituted language beginning "except that an interest acquired" and ending "shall not be affected thereby" for "unless otherwise shown by a separate instrument of record" at the end of paragraph (q-1).]

[THE SECOND 1989 AMENDMENT inserted new paragraph (f-1) and added the last sentence in paragraph (m).]

[THE 1991 AMENDMENT inserted "certified professional" in paragraph (b), "and common or shared public utility easements as contemplated by §21-14.2 of this Code" in the third sentence in paragraph (q-1), and "VA. CODE ANN. 15.1-480.1 (Supp. 1990)" near the end of paragraph (q-1), and substituted "§21-14.1(c) of this Code" for "§21-14. (a)" in paragraph (t).]

[THE 1992 AMENDMENT added "signed by the owner(s), proprietors, and trustees, if any, and duly acknowledged before some officer authorized to take acknowledgment of deeds" at end of paragraph (q); inserted "in accordance" in the first sentence in paragraph (q-1) and inserted "to meet the standards necessary . . . paid to municipalities" in the introductory paragraph of paragraph (s), and added new first sentence beginning "'The undersigned understands that the streets in the subdivision do not meet . . .'" at the beginning of the required statement recited in paragraph (s).]

[THE MARCH 17, 1997 AMENDMENT, in paragraph q-1, inserted language beginning "and shall operate to transfer to Campbell County, or to such association..... utilized for such purposes, as the County may require," preceding "provided that where" in the second sentence.]

[THE MAY 17, 1999 AMENDMENT, in paragraph (q), substituted "in addition to the professional engineer's or land surveyor's certificate" for "a surveyor's and/or civil engineer's seal and," and substituted "an officer" for "some officer" in paragraph (q-1), divided former third sentence into the present third and fourth sentences; substituted "§15.2-2265 (Repl. Vol. 1997)" for "§15.1-478 (Cum. Supp. 1997)" and "over the land" for "over the same" in the third sentence; substituted "then upon" for "and from," "recordation of the plat" for "recordation of such plat," and citations to Title 15.2 for citations to former Title 15.1, all in the fourth sentence of (q-1); and in the introductory language of paragraph (s), rewrote the first part of the sentence to track language in the state code and in §21-13.1 of this Code.]



[THE DECEMBER 20, 1999 AMENDMENT added paragraph (u).]

[THE JULY 2, 2001 AMENDMENT added new paragraph (v).]

[THE JULY 7, 2008 AMENDMENT added “and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board” at the end of the first sentence of the second paragraph at paragraph (s).]

[THE DECEMBER 1, 2008 AMENDMENT inserted “When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision” in subsection (m), effective July 1, 2009, and substituted “Plat Cabinet” for “Map Book” in subsection (n).]

[THE JULY 19, 2010 AMENDMENT substituted “The plat” for “One original mylar or approved comparable tracing medium” in the second sentence of the second paragraph, and added “as needed” in subsection (p).]

[THE JULY 1, 2014 AMENDMENT substituted “all existing” for “proposed” in subsection (b), substituted “stormwater best management practices” for “storm sewers, catch basins” in (b); substituted “best management practices, drainage easements, or other stormwater infrastructure” for “detention or retention basin or facility”, “§8-16” for “§8-8.3” and “stormwater best management practices and infrastructure” for “basin or facility” in subsection (u), and made related changes.]

[THE JULY 5, 2016 AMENDMENT deleted “Original plats shall be inscribed on either translucent or opaque paper, polyester or linen” from the second introductory paragraph.]

### **Sec. 21-32. Single lot division plats.**

(a) Plats of single lot divisions permitted pursuant to the provisions of Sections 21-22 and 21-23 of this Ordinance shall be required to conform only to the following:

(1) The requirements of Section 21-31 of this Ordinance as to scale, plat size, and tracing medium must be satisfied.

(2) The certified professional engineer's or land surveyor's certification as to source of title and place of recordation of last instrument in the chain of title as required by Section 21-29 of this Ordinance must be satisfied.

(3) The plat must contain a description and location of all monuments.

(4) The plat must contain the name of abutting recorded subdivision and names of owners of the subject property and of abutting unsubdivided acreage, with reference to last

instrument in the chain of title given, and tax map identification numbers of the subject property and of all adjoining property.

(5) The plat must contain a land surveyor's or certified professional engineer's signature and seal as required by Section 21-31 and the owner's certificate required by that section shall be required.

(6) When any part of the land proposed for subdivision lies in a drainage district, such fact shall be set forth on the plat of the proposed subdivision.

(6A) When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision.

(7) When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plat of the proposed subdivision.

(8) When any part of the land proposed for subdivision abuts on or contains any natural or artificial bodies of water the plat shall: (i) show the high water lines and the current one hundred (100) year flood plain as shown on the National Flood Insurance Program Rate Map (FIRM) published by the Federal Emergency Management Agency, (ii) show where such lines are intersected by lot and block lines, and (iii) include the appropriate annotation required by Section 21-18 of this ordinance.

(9) When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the Planning Commission, or agent, of the locality in which the tract of land is located.

(b) When more than two (2) parcels have been or are proposed to be separated from a single larger parcel the platting requirements of Section 21-31 hereof shall apply.

For state law authority, see VA. CODE ANN. §15.2-2241 at provision A10 (Cum. Supp. 2016), VA. CODE ANN. §15.2-2244 (Repl. Vol. 2012), and VA. CODE ANN. §15.2-2262 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2258 (Repl. Vol. 2012).

[THE 1989 AMENDMENT added paragraphs (6) and (7) in (a).]

[THE 1991 AMENDMENT inserted "certified professional engineer's or land" in paragraph (2) of (a) and substituted "land surveyor's" for "surveyor's" and "certified professional engineer's" for "civil engineer's" in paragraph (5) thereof.]

[THE JUNE 5, 2006 AMENDMENT, in (a)(4), inserted "of the subject property and" and added "and tax map identification numbers of the subject property and of all adjoining property"; and added paragraphs (a)(8) and (a)(9).]

[THE DECEMBER 4, 2006 AMENDMENT added subsection (c).]

[THE DECEMBER 1, 2008 AMENDMENT added subsection (a)(6A), effective July 1, 2009.]

[THE JULY 19, 2010 AMENDMENT substituted “reference to last instrument in the chain of title” for “deed book and page number references” in (a)(4), and deleted former subsection (c), which had referred to former section 21-23.1, now repealed.]

## **Article VI. Street Light District.**

### **Sec. 21-33. Purpose.**

This Article is adopted for the stated purpose of providing street lights for the public roads and private subdivision streets located in certain urbanized areas of the County of Campbell and for the assessment and collection of the costs incurred in installing and operating these street lights, which are to be paid by the owners of abutting property, other than rescue and fire units, whose property receive the peculiar benefits resulting from these street light improvements. The Board of Supervisors of Campbell County has enacted this Article for the creation of street lighting districts within the County of Campbell for the purpose of securing and promoting the health, safety and general welfare of the inhabitants of Campbell County.

For state law authority, see VA. CODE ANN. §15.2-2404 et seq. (Repl. Vol. 2012) and VA. CODE ANN. §15.2-2400 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016). See also VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012), and VA. CODE ANN. §15.2-2020 (Repl. Vol. 2012) re authority of County to install and maintain street lights at County expense.

[THE MAY 17, 1999 AMENDMENT substituted “the owners of abutting property,” for “the abutting property owners,” in the first sentence and “§15.2-1200 (Repl. Vol. 1997)” for “§15.1-510 (Repl. Vol. 1989)” in the second sentence.]

### **Sec. 21-34. Designated street lighting districts.**

The Board of Supervisors may by ordinance designate street lighting districts or may by ordinance create service district(s) to provide street lighting in a particular area of the County. In either case, such designated area shall be fully described in such ordinance in conformity with the requirements specified in VA. CODE ANN. §15.2-2402 (Repl. Vol. 2012). In addition, the districts will be described by maps and other distinguishable landmarks, such as roads, etc. The map of each district will be kept in a notebook maintained by the County Administrator and designated as the Street Light District Map.

For state law authority, see VA. CODE ANN. §15.2-2404 et seq. (Repl. Vol. 2012) and VA. CODE ANN.

§15.2-2400 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE AUGUST 7, 2000 AMENDMENT substituted “may by ordinance designate” for “shall by resolution designate” and added “or may by ordinance create . . . area of the County.” in the first sentence; and added “In either case, . . . specified in VA. CODE ANN. §15.2-2402 (Repl. Vol. 1997). In addition,” at the beginning of the second and third sentences.]

**Sec. 21-35. Plan for development of street lights.**

The County Board of Supervisors will in conjunction with the County Planning Commission and the applicable power company determine the appropriate placement and intensity of street lights to be placed within the designated street light districts, the result of which will be a street light district plan. The goal of the County is to provide adequate illumination for intersections and streets with the projected standard being a street light located every three hundred (300) to four hundred (400) feet.

For state law authority, see VA. CODE ANN. §15.2-2404 (Repl. Vol. 2012) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012).

**Sec. 21-36. Authorization of improvements by Board; voluntary petitions; notice required prior to authorizing improvements.**

(a) Installation of street lights may be ordered by the Board of Supervisors and the cost thereof apportioned in pursuance of an agreement between the Board of Supervisors and the abutting landowners.

(b) In the absence of such an agreement, the improvements may be ordered by the Board and the cost of such improvement defrayed in whole by the local assessment authorized by this article:

(1) Upon a petition representing at least ten (10) property owners (husband and wife are counted as one) and representing not less than sixty percent (60%) of the landowners to be affected by such improvements; or

(2) Upon a petition of at least sixty percent (60%) of the property owners within a subdivision, such that the local assessment shall be imposed by the Board upon all property owners within the subdivision who benefit from the installation of street lights; or

(3) Upon a two-thirds (2/3) vote of all the members elected to the Board of Supervisors.

(c) Upon receipt of any such petition, the Board will direct appropriate County officers and staff to review the petition and make a report to the Board which reflects the findings.

(d) The Board of Supervisors shall hold a public hearing prior to authorizing such improvements. Notice of such hearing shall be published in a newspaper having a general circulation in the County of Campbell once a week for three (3) successive weeks, with the last publication being made at least ten (10) days before the public hearing. Notice shall be given to the abutting landowners, notifying them when and where they may appear before the Board of Supervisors to be heard in favor of or against such improvements.

(e) The taxes or assessments imposed under this article shall not be in excess of the peculiar benefits resulting from the improvements to such property owners. When the assessment or apportionment of cost of the improvements is not fixed by agreement, notice of such assessment or apportionment shall be provided to each of the abutting property owners in accordance with §21-40 of this Code.

(f) Any street lighting district designated or service district created under this article shall be designated as such by a name referring to the area or community so served.

For state law authority, see VA. CODE ANN. §15.2-2405 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2404 (Repl. Vol. 2012), VA. CODE ANN. §15.2-2400 (Repl. Vol. 2012), and VA. CODE ANN. §15.2-2413 (Repl. Vol. 2012) at the third paragraph.

[THE MAY 17, 1999 AMENDMENT substituted “percent” for “percentum” in the first sentence.]

[THE AUGUST 7, 2000 AMENDMENT rewrote this section.]

### **Sec. 21-37. Assessment and apportionment of costs.**

The costs of the initial installation of street lights and the costs of repair and maintenance and operation shall be assessed to each property owner, other than rescue and fire units, in such a manner that the assessment shall not be in excess of the peculiar benefits resulting from the improvements to the abutting property owners. Such taxes or assessments shall include the legal, financial or other directly attributable costs incurred by the County in creating the district and financing the payment of the improvements. The standard for assessment of this Street Light Ordinance is road frontage and each property owner will be assessed based on the number of front feet he has abutting a public road or alley or other thoroughfare which is served by street lights.

For state law authority, see VA. CODE ANN. §15.2-2404 (Repl. Vol. 2012). See also the third paragraph in VA. CODE ANN. §15.2-2413 (Repl. Vol. 2012).

[THE 1992 AMENDMENT inserted the second sentence.]

### **Sec. 21-37.1. Payment of initial installation costs by subdivider or developer.**

The developer of any new division of land, other than single lot and family divisions in accordance with the provisions of §21-22 and §21-23 hereof, which involves the development of streets, shall install, according to standards and regulations established by the County in cooperation with the public utilities serving said land, street lights. The street lights and the accompanying poles, guys and lines shall be installed at the expense of the developer. In lieu thereof, the developer may submit a performance bond or letter of credit satisfactory to the County insuring the completion of these requirements within a reasonable period of time to be determined by the Planning Commission. In the event that the subdivider installs underground utilities, he will be obligated and required to install the appropriate poles for installation of street lights. All street lights and other equipment installed hereunder shall be of a type approved in accordance with the foregoing regulations.

For state authority, see VA. CODE ANN. §15.2-2241 at provision A4 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2269 (Repl. Vol. 2012).

#### **Sec. 21-38. Annual assessment.**

It shall be the responsibility of the Board of Supervisors to annually apportion the costs of the operation and maintenance of the street lighting system among the property owners and it is the intention of the Board of Supervisors that the cost of installation, operation and maintenance of the street lighting system be assessed against the abutting property owners to the extent of one hundred percent (100%) of the total of actual costs.

Such taxes or assessments shall include the legal, financial, or other directly attributable costs incurred by the County in creating the district and financing the payment of the improvements; however, the taxes or assessments shall not be in excess of the peculiar benefits resulting from the improvements to such abutting property owners.

For state law basis, see VA. CODE ANN. §15.2-2404 (Repl. Vol. 2012), §15.2-2406 (Repl. Vol. 2012) and the third paragraph in VA. CODE ANN. §15.2-2413 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2020 (Repl. Vol. 2012).

[THE 1992 AMENDMENT added the second paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted “percent” for “percentum” near the end of the first paragraph.]

#### **Sec. 21-39. Collection of assessments.**

Annually, the Board of Supervisors of Campbell County or its Agent shall report to the Treasurer of Campbell County the amount assessed against each landowner, or for which he is liable by agreement, and the Treasurer of the County shall enter the same assessment on the individual tax bills in a like manner as provided for other taxes and proceed to collect the street light

assessments as he does other taxes. Notwithstanding the foregoing, the actual costs of installing, maintaining, and operating such street lights may be charged to and collected from each landowner as a separate component of the County's billing system for any public utility.

For state law basis, see VA. CODE ANN. §15.2-2407 (Repl. Vol. 2012) and VA. CODE ANN. §15.2-2413 (Repl. Vol. 2012).

[THE AUGUST 7, 2000 AMENDMENT, in the first sentence, inserted "or for which he is liable by agreement," and added the second sentence.]

#### **Sec. 21-40. Notice to landowners of amount of assessment.**

When the assessment or apportionment is not fixed by agreement, notice thereof, and of the amount so assessed or apportioned for the upcoming year, shall be given annually to each of the abutting owners, who shall be cited to appear before the Board of Supervisors, not less than ten (10) days thereafter, at the time and place designated, to show cause, if he can, against such assessment or apportionment.

The notice may be given by personal service on all persons entitled to such notice, except (i) notice to an infant, a mentally incapacitated person or other person under a disability may be served on his guardian, conservator, or committee; (ii) notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having charge of the property or on the tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner's residence is not known, such notice may be given by publication in a newspaper having general circulation in Campbell County once a week for four (4) successive weeks. *In lieu of such personal service on the parties or their agents and of such publication*, the notice to all parties may be given by publishing the same in a newspaper having general circulation in Campbell County, once a week for two (2) successive weeks; the second publication shall be made at least seven (7) days before the parties are cited to appear.

Any landowner wishing to make objections to such assessment or apportionment may appear in person or by counsel and state such objections.

For state law basis, see VA. CODE ANN. §15.2-2408 (Repl. Vol. 2012) and VA. CODE ANN. §15.2-2409 (Repl. Vol. 2012).

[THE MAY 17, 1999 AMENDMENT rewrote the first and second sentences as the present first and second paragraphs, expanding the explanations of notice requirements and method of giving notice and, in the third paragraph, inserted "or apportionment," substituted "by counsel" for "be represented by an attorney," and deleted "as he may wish" at the end.]

#### **Sec. 21-41. Postponement of payment.**

It being the desire of the Campbell County Board of Supervisors not to unduly burden citizens of the County that are elderly or permanently and totally disabled, the Board does hereby make provision for postponement of payment of said assessments, subject to the conditions set forth

in VA. CODE ANN. §58.1-3211 as in effect on December 31, 2010, for such qualified elderly or permanently and totally disabled persons until the sale of the property or the death of the last eligible owner. The Treasurer of Campbell County shall enter those assessments postponed by the governing body in accordance with conditions prescribed as provided for other taxes, but the eligible property owners shall have the option of payment or postponement.

For state authority, see VA. CODE ANN. §15.2-2407 (Repl. Vol. 2012).

[THE MARCH 17, 1997 AMENDMENT, substituted "of payment of said assessments, subject" for "for said assessments, subject" in first sentence and added "until the sale of the property or the death of the last eligible owner" at the end.]

[THE MAY 17, 1999 AMENDMENT substituted “§58.1-3211 (Cum. Supp. 1998)” for “~~§58.1-3211~~ (Repl. Vol. 1997)” in the first sentence.]

[THE DECEMBER 6, 2011 AMENDMENT added “as in effect on December 31, 2010” to the first sentence.]

## **Article VIA. Road Improvement.**

### **Sec. 21-41.1. Purpose.**

This Article is adopted for the stated purpose of improving and paving the public roads for the purpose of allowing them to be brought into the secondary state highway system in the County of Campbell and for the assessment and collection of the costs incurred in construction of those roads, which are to be paid by the owners of abutting property whose property receive the peculiar benefits resulting from this road improvement. The Board of Supervisors of Campbell County has enacted this Article for the purpose of securing and promoting the health, safety and general welfare of the inhabitants of Campbell County.

The Board of Supervisors may by ordinance provide for the special assessment of landowners on a street for road improvement where 75% of the landowners with abutting parcels have consented to the special assessment. The areas will be described by maps and other distinguishable landmarks, such as roads, etc. The map of each area will be maintained in the office of Community Development and designated as the Road Improvement Special Assessment Area Map.

For state law authority, see VA. CODE ANN. §33.2-335 (Cum. Supp. 2016); VA. CODE ANN. §15.2-2404 et seq. (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012).

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

### **Sec. 21-41.2. Authorization of improvements by Board; voluntary petitions; notice required prior to authorizing improvements.**



(a) “Street” means a street or highway shown on a plat that has been recorded or otherwise opened to public use and used by motor vehicles for at least 20 years and that, for any reason, has not been taken into the secondary state highway system and serves at least three families per mile.

(b) Such streets shall be taken into the secondary state highway system for which the Board of Supervisors has identified and made available the funds required to improve the street to the required minimum standards.

(c) Special assessment of the landowners on the street in question shall provide one-half of the qualifying rural addition cost to bring the streets up to the necessary minimum standards for acceptance. The Board of Supervisors has received written declarations from the owners of 75 percent or more of the platted parcels of land abutting upon such streets stating their acquiescence in such assessments. The basis for such special assessment shall be an equal amount for each parcel abutting on such street. No such special assessment on any parcel shall exceed one-third of the current valuation of such property for real estate tax purposes.

For state law authority, see VA. CODE ANN. §33.2-335 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2404 et seq. (Repl. Vol. 2012).

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

### **Sec. 21-41.3. Notice to landowners of amount of assessment; public hearing.**

When the assessment or apportionment is not fixed by agreement, notice thereof, and of the amount so assessed or apportioned, shall be given to each of the abutting owners, who shall be cited to appear before the Board of Supervisors, not less than ten (10) days thereafter, at the time and place designated, to show cause, if he can, against such assessment or apportionment.

The notice may be given by personal service on all persons entitled to such notice, except (i) notice to an infant, a mentally incapacitated person or other person under a disability may be served on his guardian, conservator, or committee; (ii) notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having charge of the property or on the tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner’s residence is not known, such notice may be given by publication in a newspaper having general circulation in Campbell County once a week for four (4) successive weeks. *In lieu of such personal service on the parties or their agents and of such publication*, the notice to all parties may be given by publishing the same in a newspaper having general circulation in Campbell County, once a week for two (2) successive weeks; the second publication shall be made at least seven (7) days before the parties are cited to appear.

Any landowner wishing to make objections to such assessment or apportionment may appear in person or by counsel and state such objections at the time and place stated in the notice. If the property owner’s objections are overruled, he shall, within thirty days thereafter, but not

afterwards, have an appeal as of right to the Campbell County Circuit Court. When an appeal is taken, the Clerk of the Board of Supervisors shall immediately deliver to the Clerk of the Court the original notice relating to the assessment, with the judgment of the Board of Supervisors endorsed thereon, and the Clerk of the Court shall docket the same.

Following the date for appearance of affected landowners, the Board of Supervisors shall advertise and hold a public hearing prior to authorizing such improvements by ordinance. Notice of such hearing shall be published in a newspaper having a general circulation in the County of Campbell once a week for two (2) successive weeks, pursuant to VA. CODE ANN. §15.2-1427 (Repl. Vol. 2012).

For state law basis, see VA. CODE ANN. §15.2-2408 (Repl. Vol. 2012), VA. CODE ANN. §15.2-2409 (Repl. Vol. 2012) and VA. CODE ANN. §15.2-2410 (Repl. Vol. 2012).

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

[THE DECEMBER 6, 2016 AMENDMENT deleted a citation for notice that is not applicable for ordinances passed under Title 33.2 and Chapter 24 of Title 15.2.]

#### **Sec. 21-41.4. How cost assessed or apportioned.**

The cost of such improvement, when the same shall have been ascertained, shall be assessed or apportioned by the Board of Supervisors and its agents and shall equally divide the amount of one-half the qualifying rural addition cost to bring the street or streets up to the necessary minimum standards for acceptance among the owners of each parcel abutting on such street. Notwithstanding any other provision of this Article, any portion of the cost of such improvements not funded by such special assessment may be paid from federal or state funds received by the County for such purpose.

For state law authority, see VA. CODE ANN. §15.2-2406 (Repl. Vol. 2012). See also VA. CODE ANN. §33.2-335(C)(1) (Cum. Supp. 2016).

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

#### **Sec. 21-41.5. Annual assessment.**

The amount assessed against each landowner shall be reported as soon as practicable to the Commissioner of Revenue, who shall enter the same as provided for other taxes.

Persons against whom the assessments have been made may pay such assessments in equal annual installments over a period not exceeding five (5) years, together with interest on the unpaid balances at an annual interest rate not to exceed the rate of the index of average yield on United States Treasury securities adjusted to a constant maturity of one year as made available by the Federal Reserve Bank at the time this ordinance was adopted. Such installments shall become due at

the same time that real estate taxes become due and payable to Campbell County, and the amount of each installment, including principal and interest, shall be shown on a bill mailed, not later than 14 days prior to the installment due date, to each such person by the Treasurer.

For state law basis, see VA. CODE ANN. §15.2-2407 (Repl. Vol. 2012) and VA. CODE ANN. §15.2-2413 (Repl. Vol. 2012).

[THE SEPTEMBER 6, 2016 ACT enacted this section.]

## **Article VII. Vacation of Plats.**

Editor's note.—For provisions specifying that the *renaming* of streets, roads, and alleys on site plans or subdivision plats previously recorded and filed in the Circuit Court Clerk's Office shall not cause vacation of such site plans or subdivision plats, see VA. CODE ANN. §15.2-2019 (Cum. Supp. 2016) and §21-24 of this Code.

### **Sec. 21-42. Vacation of plat before sale of lot therein; effect of vacation.**

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the Planning Commission, which is hereby appointed agent of the Board of Supervisors for the purpose, by the owners, proprietors and trustees, if any, who signed the statement required by Section 21-31 of this ordinance at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved, and recorded in the same Clerk's Office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors, and trustees, if any, with, the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the Campbell County Board of Supervisors provided that no facilities for which bonding is required pursuant to VA. CODE ANN. §15.2-2241 through §15.2-2245 (Repl. Vol. 2012 and Cum. Supp. 2016) have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by VA. CODE ANN. §15.2-2204 (Cum. Supp. 2016). The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the

court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

For state law authorizing this section, see VA. CODE ANN. §15.2-2271 (Repl. Vol. 2012).

Cross-reference.--See also §21-14 of this Code.

[THE 1988 AMENDMENT substituted "Where no lot has been sold the recorded plat" for "Any plat recorded" at the beginning of the introductory language, added "according to either of the following methods:" at the end of introductory language; designated the first paragraph following said language as subdivision 1 and in that subdivision, combined the first and second sentences and added "or" at the end of that subdivision, and added the three paragraphs of subdivision 2.]

[THE MAY 17, 1999 AMENDMENT substituted "declaring the plat to be" for "declaring the same to be" in subdivision 1; substituted "on the property and no facilities have been constructed on any related section of the property located in the" for "on any related section of the property located in the" in first paragraph of subdivision 2.]

#### **Sec. 21-43. Vacation of plat after sale of lot.**

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the Board of Supervisors by the Planning Commission, which is appointed by the Board of Supervisors agent for the purpose, showing the approval of the vacation by the Board of Supervisors. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the Board of Supervisors shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded Deed of Trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Clerk's office of the Circuit Court wherein the plat is recorded.

2. By ordinance passed by the Board of Supervisors on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by VA. CODE ANN. §15.2-2204 (Cum. Supp. 2016). The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon the appeal the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the Clerk's Office of the Circuit Court wherein the plat is recorded. (9/8/87)

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by VA. CODE ANN. §15.2-2204 (Cum. Supp. 2016) and provided the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the Board of Supervisors pursuant to VA. CODE ANN. §15.2-2297 (Repl. Vol. 2012) or pursuant to other applicable provisions of state law, or to implement a condition of special exception approval. All abandonments of roads within the secondary system of highways sought to be effected according to either of the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.

For state law authority, see VA. CODE ANN. §15.2-2272 (Repl. Vol. 2012).

Editor's note.--VA. CODE ANN. §15.2-2278 (Repl. Vol. 2012) provides that:

Any plat of subdivision recorded in any clerk's office, whether or not pursuant to this article [(VA. CODE ANN. §15.2-2240 et seq.)] may be vacated in the manner prescribed by §15.2-2272 [§21-43 of this Code] and the provisions of §15.2-2274 [§21-45 of this Code] and §15.2-2276 [§21-47 of this Code] shall be applicable to such vacation.

Cross-reference.--See also §21-14(b) of this Code. For state law provisions regarding abandonment and discontinuance of roads in the secondary system of state highways, see VA. CODE ANN. §33.2-908 et seq. (Repl. Vol. 2014); and see VA. CODE ANN. §33.2-914 et seq. (Repl. Vol. 2014) as to abandonment of roads not in state highway system or secondary system. See also VA. CODE ANN. §15.2-2006 (Repl. Vol. 2012) as to alteration and vacation of public rights-of-way.

[THE 1988 AMENDMENT substituted "lot" for "lots" in subdivision (b).]

[THE 1991 AMENDMENT added the second sentence in (a).]

[THE MARCH 17, 1997 AMENDMENT added the new last paragraph following subdivision (b).]

[THE MAY 17, 1999 AMENDMENT redesignated former subdivisions (a) and (b) as present subdivisions 1 and 2, respectively.]

[THE DECEMBER 3, 2001 AMENDMENT substituted “or pursuant to other applicable provisions of state law” for §15.2-2298 (Repl. Vol. 1997), or §15.2-2303 (Repl. Vol. 1997)” near the end of the first sentence in the last paragraph.]

[THE DECEMBER 6, 2011 AMENDMENT substituted “Commissioner of Highways” for “Commonwealth Transportation Commissioner.”]

**Sec. 21-43.1 Vacation of interests granted to Board of Supervisors as a condition of site plan approval.**

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to the Board of Supervisors as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the Board of Supervisors or its duly authorized agent consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the Board of Supervisors; or

2. By ordinance of the Board of Supervisors, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to VA. CODE ANN. §15.2-2241 through §15.2-2245 (Repl. Vol. 2012 and Cum. Supp. 2016), have been constructed.

The ordinance shall not be adopted until after notice has been given as required by VA. CODE ANN. §15.2-2204 (Cum. Supp. 2016). The notice shall clearly describe the interest of the Board of Supervisors to be vacated by reference to the recorded instrument on which it was created and state the time and place of the meeting of the Board of Supervisors at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the Board of Supervisors' interest is located. Upon the appeal the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the Board of Supervisors' interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the Board of Supervisors' interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

For state law authority, see VA. CODE ANN. §15.2-2270 (Repl. Vol. 2012).

[THE 1992 ACT adopted this section.]

**Sec. 21-44. Fee for processing application under Sections 21-42, 21-43 or 21-43.1.**

A fee of \$150.00 shall be charged by the County and paid by the owners seeking vacation under Sections 21-42, 21-43 or 21-43.1 hereof. (6/2/86)(9/8/87)(10/13/87)(9/5/89)

For state law authority, see VA. CODE ANN. §15.2-2273 (Repl. Vol. 2012). For notice requirements regarding increase in fees under this chapter, see VA. CODE ANN. §15.2-107 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2241 at provision A9 (Cum. Supp. 2016).

Editor's note: VA. CODE ANN. §15.2-2273 (Repl. Vol. 2012) prescribes that the fee charged under authority of that section for processing an application for vacation of certain plats shall not exceed one hundred fifty dollars (\$150.00).

[THE 1986 AMENDMENT set the fee at \$35.00.]

[THE 1989 AMENDMENT substituted "\$55.00" for "35.00."]

[THE 1992 AMENDMENT substituted "\$150.00" for "\$55.00" and "Sections 21-42, 21-43 or 21-43.1" for "Section 21-42 or 21-43."]

**Sec. 21-45. Effect of vacation under §21-43 of this Code.**

The recordation of the instrument as provided under provision 1 of §21-43 of this Code or of the ordinance as provided under provision 2 of §21-43 of this Code shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the center line of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plats so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement required by Section 21-31(q) of this Code free and clear of any rights of public use in the same.

For state law authority, see VA. CODE ANN. §15.2-2274 (Repl. Vol. 2012).

Cross-references: For provisions regarding termination of certain public easements, see VA. CODE ANN. §15.2-2265 and §21-14 of this Code. For provisions regarding *relocation* of certain public easements by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of the County, see VA. CODE ANN. §15.2-2265 and §21-14 of this Code.

[THE 1988 AMENDMENT substituted "instrument or ordinance as provided under either Section 21-42" for "instrument as provided under Section 21-42" and "or Section 21-43 of this Ordinance" for "or paragraph (a) of Section 21-43 in the first sentence.]

[THE 1989 AMENDMENT deleted "either Section 21-42 of this Ordinance or" preceding "Section 21-43" in first sentence and inserted "of this Code" in the last sentence.]

[THE MAY 17, 1999 AMENDMENT, in first sentence, deleted "or ordinance" following "instrument," substituted "provision 1 of §21-43 or of the ordinance as provided under provision 2 of §21-43" for "Section 21-43 of this Ordinance," and substituted "rights" for "right" and, in second sentence, deleted "such" following "If any."]

#### **Sec. 21-46. Relocation or vacation of boundary lines.**

The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision (i) approved as provided in this Ordinance or (ii) properly recorded prior to the applicability of the Campbell County Subdivision Ordinance, and executed by the owner or owners of the land as provided in Section 21-31(q) of this Ordinance. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

Alternatively, lot lines may be vacated by recordation of a deed providing that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express consent of all persons holding any interest therein. The deed shall be approved in writing, on its face, by the County Board of Supervisors or its designee. The deed shall reference the recorded plat by which the lot line was originally created.

For state law authority, see VA. CODE ANN. §15.2-2275 (Repl. Vol. 2012).

[THE 1993 AMENDMENT inserted clause (i) designation and inserted "or (ii) properly recorded prior to the applicability of the Campbell County subdivision Ordinance."]



[THE MARCH 2, 1998 AMENDMENT inserted "vacated" preceding "relocated or otherwise altered" near the beginning.]

[THE MAY 17, 1999 AMENDMENT revised the provisions without substantive change.]

[THE JUNE 5, 2006 AMENDMENT added the second paragraph.]

**Sec. 21-47. Duty of Clerk when plat vacated.**

The Clerk of the Circuit Court in whose office any plat so vacated has been recorded shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated" and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.

For similar state law, see VA. CODE ANN. §15.2-2276 (Repl. Vol. 2012).

[THE MAY 17, 1999 AMENDMENT substituted "plat" for "same" following "reference on the."]

**Article VIII. Miscellaneous Provisions.**

**Sec. 21-48. Severability.**

Should any section or provision of this Chapter be declared by final order of a Court of competent jurisdiction to be unconstitutional, invalid or otherwise unenforceable, such decision shall not affect the validity of this Ordinance as a whole, other than the section or provision so declared to be unconstitutional, invalid or unenforceable.

**Sec. 21-49. Repeal of prior ordinances.**

Former Chapter 20 of the Campbell County Code of 1981 is hereby repealed in its entirety.

[THE 1988 AMENDMENT inserted "(formerly Section 20-26.1)."]

[THE 1993 AMENDMENT deleted "With the specific exceptions of Section 21-26.1 (formerly Section 20-26.1) thereof and the Alphabetized Index of Street Names attached as Appendix A thereto," at the beginning of the sentence, due to the repeal of same by action of the Board of Supervisors on November 2, 1992, and added "Former" preceding "Chapter 20."]

## **Sec. 21-50. Violations and penalties.**

(a) No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of Article 6 of Chapter 22 of Title 15.2 of the Code of Virginia (§§15.2-2240 et seq.) and of this chapter of the Campbell County Code of 1988.

(b) No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the Campbell County Planning Commission or by the Board of Supervisors of Campbell County or its duly authorized agent; or by the commissions, governing bodies or agents, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.

(c) No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(d) Any person violating any of the provisions of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of VA. CODE ANN. §15.2-2240 et seq. and this Subdivision Ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or remedies herein provided.

(e) No clerk of any court shall file or record a plat of a subdivision required by this Ordinance to be recorded until the plat has been approved as required herein. The penalties provided by statute shall apply to any failure to comply with the provisions of this subsection.

(f) Nothing herein shall be construed to limit the right of the Board of Supervisors to seek injunctive and/or declaratory relief as is otherwise authorized by law with respect to any violation of this Ordinance. Any violation or attempted violation of this chapter may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding. (9-8-87)

For state law authorizing this section, see VA. CODE ANN. §15.2-2254 (Repl. Vol. 2012); for specific authority for subsection (f), see VA. CODE ANN. §15.2-2208 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2255 (Repl. Vol. 2012). See VA. CODE ANN. §15.2-1432 (Repl. Vol. 2012) for authority for injunctive relief against continuing violation of any ordinance.

[THE 1988 AMENDMENT added "or from the remedies herein provided" in (a).]

[THE MAY 17, 1999 AMENDMENT divided subsection (a) into two sentences and deleted “from the” preceding “remedies” in the second sentence; divided subsection (b) into two sentences.]

[THE AUGUST 7, 2000 AMENDMENT substituted “§17.1-223 (Repl. Vol. 1999)” for “§17-59 (Repl. Vol. 1996)” in subsection (b).]

[THE DECEMBER 3, 2001 AMENDMENT redesignated former subsections (a), (b), and (c) as present subsections (d), (e), and (f), also substituting “No clerk of any court shall” for “The Clerk of the Circuit Court shall not” in the first sentence in (e) and substituting “by statute” for “by VA. CODE ANN. §17.1-223 (Repl. Vol. 1999)” in the second sentence thereof, and adding a second sentence in subsection (f); and inserted new subsections (a), (b), and (c).]

[THE DECEMBER 1, 2003 AMENDMENT added “and shall be required . . . and this Subdivision Ordinance.” at the end of the first sentence in (d).]